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THREE CELTIC EARLDOMS

ATHOLL

STRATHEARN

MENTEITH

(Critical and Historical Recital so far as known)

BY

SAMUEL COWAN, J.P.

*Historian of Queen Mary, The Royal House of Stuart
The Ancient Capital of Scotland
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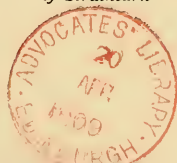


Arms of the Celtic Earls



Arms of the Stuart Earls


*Earldom
of Strathearn*



EDINBURGH

NORMAN MACLEOD

1909



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THIS VOLUME IS DEDICATED

TO

SIR ROBERT PULLAR, KT. LL.D.

M.P. for the City of Perth

Who has been closely identified for upwards of half-a-century with the prosperity of the Fair City. The community of Perth are under many obligations to Sir Robert for his disinterested and generous gifts to their principal charities, and to many schemes of the Corporation for the improvement of the city and the promotion of the welfare of the citizens.

EDINBURGH, *March* 1909.

PREFACE

THE following narrative of the Celtic earldoms of Atholl, Strathearn, and Menteith, will be read with interest by the public and by all students of Scottish history. There is no reason to doubt that of the seven Celtic earldoms created by Malcolm Canmore, Atholl, Strathearn, and Menteith were included, and thus were the first earldoms created in Scotland. Nothing can exceed in historical interest the thrilling record of the Atholl earldom. The Atholl earls for centuries appeared on the political platform of their country, and distinguished themselves by the accomplishment of many gallant and heroic, and not unfrequently, unlawful deeds. The earldom was subject to rapid changes, yet it was always held by bold and heroic men, who in civil and military matters were usually in the foreground.

The history of the earldom of Strathearn has always been shrouded in mystery and seclusion, and its historical record is on that account greatly restricted as compared with that of Atholl.

The earldom of Menteith is in a different position. We have, on the whole, a fairly good historical record

of it, which will be found in the following pages. The brief outline of the career of some of its more prominent earls will be found most attractive, and will delight and arrest the attention of antiquarian readers and students and lovers of our national history, to all of whom the record of these Celtic earldoms will be a congenial, albeit an edifying subject.

S. C.

EDINBURGH, *March* 1909.

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THE ANCIENT EARLDOM OF ATHOLL

THE CELTIC EARLS

THE county of Perth in early times played a prominent part in the history of Scotland. The primitive old town of St Johnstoun, with its fortified castle, was a favourite residence of the early kings, while some of the most powerful and most turbulent nobles of that age had their estates in Perthshire as well as a residence in Perth. No other county could boast of such vast earldoms as those of Atholl, Strathearn and Menteith. Those of Ross, Moray and Fife were extensive, but the Perthshire earldoms came more in contact with the king and the royal family. The lands and territories of Atholl would be thrice the size of what they are now. They extended, it is said, to within a short distance of Perth, while the extensive territories of the Strathearn and Menteith earldoms occupied the greater part of West Perthshire. The most famous earldom was probably that of Atholl, as it was more frequently in the hands and under the administration of the crown than any other. The Atholl country was so designated centuries before the earldom was created. It is one of the most ancient and most honourable titles in Scotland. The earldom dates as far back as the close of the eleventh century, in the reign of Malcolm Canmore, and was one of the first created. Atholl was one of the seven Celtic earls who in the reign of Malcolm IV. invaded that

monarch in his castle of Perth. The Earls of Atholl have always been closely identified with Scottish history and with all the vicissitudes and thrilling events of pre-Reformation and post-Reformation times.

We are informed by a recognised authority¹ that during the reign of the Pictish kings Talorgan, King of the Picts, son of Drostan, is mentioned by Tighernac, an Irish writer, as flourishing from 713 to 739 A.D., when his death is recorded as *Rex Athfholta* or King of Atholl. The title King of Atholl probably indicates a territory extending north as far as the Spey. The district from which he took his title, and of which he might almost be called the sovereign, was in extent larger than an ordinary county, and was more fertile, more diligently cultivated, and more thickly peopled than the greater part of the Highlands.²

It was evidently an independent province which along with other states were eventually amalgamated into one kingdom named Scotland. In this Atholl country, or kingdom of Atholl, ruled by Pictish kings, was founded in the seventh century, by the successors of St Columba, the little monastery or abbey of Dull. This monastery, with its chapels of Foss and Glenlyon, belonged subsequently to the Earls of Atholl, and was granted by Malcolm, second Earl of Atholl, of the Celtic line, in 1176, to the prior of St Andrews. This grant was confirmed by the Bishop of Dunkeld, he reserving right to give the cleric (incumbent) to the extent of 10 marks to a vicar and an annual rent of 20s. to him and his clergy from the Abthanerie of Dull.³

The early part of the thirteenth century, the reign of Alexander II., witnessed the termination of the line

¹ Chronicles of the Picts and Scots.

² Macaulay.

³ Chartulary of St Andrews.

of the Celtic Earls of Atholl. These earls were :— Malcolm, who comes into notice in 1115 as a witness to the foundation charter of Scone; Malcolm, his son, the second earl, who gave the teinds or tithes of the Church of Moulin to the Abbey of Dunfermline, for the safety of his soul, and his predecessors, kings of Scotland. To this charter King William the Lion is a witness, *anno* 1166. The third and last Celtic earl was Henry, eldest son of this Malcolm. These earls, it is said, were descended from a son or brother of Malcolm Canmore, and they succeeded the Pictish kings of Atholl. The earldom by some writers is said to have been an appanage of the family from whom sprang the kings of the race of Duncan, son of Crinan, of Dunkeld, who flourished in the eleventh century. Henry died about 1215, and the earldom reverted to the crown for want of male issue.

But while the earldom after this period passed into the hands of a succession of foreign earls a family bearing the title of *de Atholia* continued for long to possess a great part of the lands, and were probably the descendants of the Celtic earls. The Gaelic population of the whole of the north-western portion of Atholl, bounded by the Garry and Tummel, remained intact under them, but the possession of the Abthagerie of Dull by the crown, who acquired it from the See of St Andrews, led, it is said, to the introduction of the foreign element into the earldom. Much of the land passed gradually but permanently into the old historic families of Menzies and the Stewarts, while the Celtic character of the whole earldom was, notwithstanding this, preserved.¹

¹ Skene.

The following Kalendar will materially aid the reader:—

KALENDAR OF THE EARLDOM OF ATHOLL

	Suc- ceeded.	Died.	
Earl Madach or Malcolm . . .	1115	1152	
Earl Malcolm, Second Earl . . .	1152	1198	
Henry, Third Earl . . .	1198	1211	Born 1138.
Alan, Fourth Earl . . .	1211	1220	
Thomas, Fifth Earl, and Countess Isobel . . .	1220	1234	Countess five years later.
Patrick, son of Thomas, Sixth Earl . .	1234	1242	
Sir David Hastings and the Countess Fernelith . . .	1242	1270	
John of Strathbogie and Countess Ada .	1270	1300	
David of Strathbogie, Ninth Earl . .	1300	1301	
John of Strathbogie, Tenth Earl . .	1301	1308	
David of Strathbogie, Eleventh Earl .	1308	1335	
David of Strathbogie, Twelfth Earl .	1335		Confiscated.
John Campbell of Lochow . . .	1336	1341	No issue.
Sir William Douglas of Liddesdale .	1341	1357	No issue.
Robert, High Steward of Scotland . .	1357	1375	
Walter Stuart, son of Robert . . .	1375	1437	Confiscated, twenty years dormant.
John Stewart of Lorn . . .	1457	1512	
John Stewart, Second Earl of this line .	1512	1513	
John Stewart, Third Earl . . .	1513	1542	
John Stewart, Fourth Earl . . .	1542	1579	Poisoned.
John Stewart, Fifth Earl . . .	1579	1595	No male issue.
John Stewart, Lord Innermeath . . .	1595	1603	
James Stewart, last Stewart Earl . .	1603	1625	Born 1585, no issue, reverted to crown.
John Moray, grandson of John, Fifth Stewart Earl . . .	1629	1642	
John Moray, Second Earl and First Marquis . . .	1642	1703	Born 1631.
John Moray, Second Marquis and First Duke . . .	1703	1724	Born 1660.
James Moray, Second Duke . . .	1724	1764	Born 1690.
John Moray, Third Duke . . .	1764	1774	Born 1729.
John Moray, Fourth Duke . . .	1774	1830	Born 1755.
John Moray, Fifth Duke . . .	1830	1846	Born 1778.
George Augustus Frederick John, Sixth Duke . . .	1846	1864	Born 1814.
John James Hugh Henry Stewart, present Duke . . .	1864		

The first Earl of Atholl who appears on the record is Earl Madach or Malcolm, son of Donald Bane and nephew of Malcolm Canmore, who witnesses the Foundation Charter of the Canons Regular at Scone by Alexander I. in 1115 as follows:—"I, Madach, Courtier, Assent." He also witnesses a charter of his cousin King David I. to the Church of Dunfermline in 1124-1127, also two charters to the monks of Coldingham in 1140, and another to the monks of Melrose in 1142. He married Marjory, daughter of Haco, Earl of Orkney, and died before 1152, leaving issue:—Malcolm, who became second Earl of Atholl; and Harold, who became Earl of Orkney in 1139. Malcolm appears in a charter by David I. to the monks of Deer before 1153, and in 1164 he appears as a witness to the famous charter of Malcolm IV. to the Abbey of Scone. He was twice married and a witness or grantor of various charters in the reign of William the Lion, including the giving of the Church of Logierait to the Abbey of Scone. He died before the 24th August 1198, leaving issue by¹ *Kertilda* his wife:—Henry, who succeeded him, also Duncan and Malcolm. Henry, who was born in 1198, was third Earl of Atholl, and died about 1211. Earl Henry and his wife Margaret left issue:—three daughters, who became successively Countesses of Atholl—viz. the eldest (name unknown) married Alan, an officer of the King's Household, who became fourth earl but left no issue; Isobel, and Fernelith. Isobel succeeded as Countess of Atholl in her own right. She married Thomas, second son of Roland, Lord of Galloway, and brother of Alan (both Constables of Scotland), who through her was styled fifth Earl of Atholl. This earl had

¹ In the "Lives of the Lindsays" this name is given as Hestilda, daughter of Uchtred, son of Donald Bane, King of Scotland. Her first husband was Richard Comyn of Badenoch.

estates in four English counties, and received from King John extensive lands in Ireland. In 1215 he was keeper of the castle of Antrim. He confirmed in 1220 a charter by William Olifard to the monks of Cupar, and died in 1284. The countess died five years later. Patrick, sixth earl, son of Thomas and the Countess Isobel, succeeded his father in 1234, but had a brief career. He witnessed in 1237 an agreement between Henry III. and Alexander II., when Alexander surrendered his rights in Northumberland and the north of England in return for considerable grants and land.

At a tournament held at Haddington in 1242 Walter Bisset, son of a powerful family in the north, was thrown from his horse by Patrick, Earl of Atholl, described as an accomplished youth of that period. This gave rise to a quarrel. A day or two after this the young earl was found murdered in the house where he lodged. For the purpose of concealing the crime, the house was set on fire by the assassin. Suspicion fell on Walter Bisset and on his uncle, William Bisset, the head of the family. The Bissets denied the charge, but sentence of excommunication against them was published in the various churches of the realm. The king, Alexander II., made efforts to protect Walter Bisset from the fury of his enemies, and the queen offered to make oath that "Bisset had never devised a crime so enormous," and was willing to be a witness in his defence if the case went to trial. It was decided that the estates of the Bissets should be forfeited and that they should swear upon the Holy Gospel that they would make a pilgrimage to Jerusalem and there for the remainder of their lives pray for the soul of the murdered earl. Bisset, however, escaped to England. Whether these Bissets were of the same family as Thomas Bisset, Earl of Fife in 1362, is not recorded, but this Walter Bisset

was married to Ada, only daughter of Roland, Lord of Galloway, the aunt of Earl Patrick, who in his time possessed considerable influence in the State.

Earl Patrick left no issue. The king then conferred the earldom on Sir David Hastings, who had married Fernelith, sister of Isobel, who in right of his wife became seventh earl. In a treaty between Alexander II. and Henry III. in 1244 the earl was one of the guarantors; he enjoyed the earldom till 1270, when he joined the Crusaders in a pilgrimage to the Holy Land. It is recorded that he died of the plague at Carthage on the 6th August of that year, and was succeeded by his only daughter, Ada, as Countess of Atholl, who married John of Strathbogie, of the house of Macduff, third son of Duncan, sixth Earl of Fife. In right of his wife he became eighth earl, and in 1284 was one of the Scottish nobles who engaged to receive and acknowledge Margaret, daughter of Eric, King of Norway, grandchild of Alexander III., as heir to the Scottish crown. This earl was one of the judges chosen on the side of Robert Bruce, competitor for the crown, and was concerned in all the public transactions of the time. His death took place in 1300, when he was succeeded by his son David, who became ninth earl. This earl resided chiefly in England and married Isobel, daughter of Richard, natural son of King John of England, but he did not long survive his father. He was succeeded by his only son, John, as tenth earl, who styled himself John of Strathbogie. Earl John was taken prisoner at the battle of Dunbar in 1296 and sent to the Tower of London, where he was confined till 1304, when he was liberated. Afterwards he was appointed Warden and Justiciar of Scotland north of the Forth, and held courts where writs for members to be sent from Scotland to Edward's parlia-

ment passed through his hands. In 1306 he joined Bruce and fought at the battle of Methven, and shortly after the siege of Kildrummy Castle he was arrested and taken prisoner, again sent to the Tower of London, and his English estates forfeited. He had a curious interview with Malise, Earl of Strathearn, when on one occasion Bruce and Atholl's men decoyed Malise into the power of Bruce and forced him to do homage. It is further recorded that he was by Edward I. condemned for high treason and executed in the flower of his age, along with two of King Robert's brothers, at Westminster, in 1308, and his head placed on London Bridge. There is a curious charter preserved of John Earl of Atholl, dated 1301, as follows:—

“Charter of John, Earl of Atholl, to Sir Alexander de Meynes (Menzie) for the lands of Weem

“I, John Earl of Atholl, etc. Give to Sir Alexander de Meynes son and heir of Sir Robert de Meynes (Menzie) for his homage and service the whole of his lands of Weem and Aberfeldy in Atholl; namely two and a half davachs of the lands of Weem, and a half davach of the lands of Aberfeldy, with its pertinents, the Earl retaining the patronage of the church at Weem. Sir Robert is to pay to the Earl and his heirs yearly at Whitsunday one penny and one suit at the Earls Court of Rait (Logierait) in Atholl. Witnesses:—

John de Inchmartin.

John de Cambrun.

Archibald de Livingston.

Robert de Cambrun de Balemely.

Laurence de Strathbogie.

William Olifard.

Henry de Inchmartin, knights, and others.”

Another of the ancient Menzies charters is the following :—

“Robert Bruce of Liddesdale to Sir Robert Menyers, Knight, for his homage and service, the lands of Goulandie in the Abthantry of Dull, with the men of said lands, to be held by Sir Robert and heirs male of his body for rendering service to our lord the king so far as pertained to so much land : and three suits yearly in the court of the Abthane of Dull.

Witnesses :—

Thomas Rannulph, Earl of Moray.

Lord of Annandale and man.

Patrick Dunbar, Earl of March.

Walter, Steward of Scotland.

James de Douglas.

John de Moray of Drumsargard.

Andrew de Moray, Lord of Bothwell.

Archibald Douglas.”

(Undated, but granted before 1326.)

John of Strathbogie, tenth earl, married a daughter of the Earl of Mar and left issue :—David, who succeeded him, and Isobel, married to Edward, brother of Robert Bruce. David, eleventh earl, succeeded his father in 1308. He married Jean Comyn, daughter of John Comyn, Lord of Badenoch. Earl David was for some years previously a loyal subject of the King of Scots. For this he was seized by the English governor in 1306 and sent prisoner to London. He was afterwards released and returned to Scotland, and in 1311 was by King Robert Bruce made High Constable of Scotland. He had large possessions in England, and in 1315, when the constablenesship was bestowed on Sir Gilbert Hay of Errol, Atholl had renounced his allegiance to Bruce, joined Baliol, and was made Governor of Scotland under that feeble ruler.

In 1328 there was a treaty of peace between Scotland and England made at Northampton, providing that no one could possess lands in Scotland unless he resided there. Atholl absolutely refused to return to his allegiance, was outlawed, and his titles and Scottish estates forfeited to the crown. He resented this and was ever after an enemy of Scotland.

Earl David was at Roxburgh with Edward Baliol in 1332 and witnessed a charter there; and he appears to have been present at Baliol's parliament in 1334; and in August of that year was at Perth, when the discussion arose between the disinherited nobles and the new king.

In the minority of David II. he accepted the command of a body of English troops under Baliol. Anxious to distinguish himself in the service of King Edward, he began to slay or imprison the friends of Bruce and to confiscate their estates with a rapacity which filled the hearts of the people with an eager desire for revenge.

The last and crowning offence of Earl David was the siege of Kildrummy Castle, where Bruce's sister, the wife of Sir Andrew Moray, had taken refuge. Moray hearing of this immediately arrived on the scene at the head of 1500 troops, and encamped at the forest of Kilblain, near Braemar. A fierce struggle ensued and eventually Atholl fell, sword in hand, covered with many wounds.

This startling event, the death of Earl David, was a great surprise to the English king, who at the head of his troops immediately set out for Scotland to punish those who had slain the governor. He reached Perth, where he made a short stay, and then went north to Aberdeenshire in pursuit of Moray, wasting the country as he went. Moray, however, was too cunning for him, and in place of risking

a battle he and his troops disappeared in the forest. Atholl's second wife, a daughter of Henry Beaumont, an officer under Edward, was shut up by Sir Andrew Moray in the castle of Lochendorb in Morayshire, an ancient fortress situated on the island in the middle of the loch. This lady, beleaguered in this wild mountain fortress, implored her father and the English king to come to her rescue. The king gallantly obeyed the request, and on his approach Moray and his troops again retired into the woods and morasses. The lady was liberated, but as Edward was unable to pursue Moray in the morass he made his way back to England. The death of Atholl was followed by the election of Sir Andrew Moray as Regent of Scotland by a meeting of the Scots parliament at Dunfermline in 1335. Atholl left issue, David of Strathbogie, who was nominally twelfth earl, a child of three years of age. This earl resided in England, was married in 1361, and died in 1369, leaving two daughters.

In 1332 he granted a charter of the thanage of Cranach in Atholl to Sir Robert Menzies for rendering the earl and his heirs the services of an archer in the army of the King of Scotland, and three seats annually at the earl's three head courts at Logierait. This earl was interred at Ashford in Kent, and was the last of this family who held the earldom of Atholl. On the forfeiture of the eleventh earl in 1335 the earldom was by David II. bestowed on Sir John Campbell, second son of Sir Niel Campbell of Lochow and Lady Mary Bruce, sister of King Robert Bruce. This earl appears in many documents of the time and took an active part in public affairs during his short term of office. He married the widow of Malise, Earl of Strathearn, who was a daughter of Sir John Menteith of Ruskie: but at his death left no issue. The title and estates reverted to the crown,

and were by David II. conferred on William Douglas, Lord of Liddesdale, in 1341. Douglas married Margaret, daughter of Sir John Graham of Abercorn, but he also died without issue, and the estates again reverted to the crown.

THE STEWART LINE

The earldom then became vested in Robert the High Steward of Scotland before he ascended the throne, and he granted a charter as Lord of Atholl, undated, to Eugenius, thane of Glentilt, brother of Reginald, Lord of the Isles, for faithful service, to be held of him in fee and heritage for ever, for an annual payment of eleven marks. There was then a retour at Logierait (an extract from Chancery of the service of an heir to his ancestor) in the court of the Earl of Atholl, when Andrew of Glentilt was served heir to his father, John, thane of Glentilt, in certain lands and possessions.

In connection with the Abthannerie of Dull the following interesting charter appears on the record :—

“Johan by the Grace of God, queen of Scotland, etc. Wit ye that notwithstanding my Lord the king with the assent of his Three Estates has granted to us the lands of the Abthannerie of Dull, lying within the sheriffdom of Perth in our dowry; of the which as ye know we have taken neither Estate nor sasine. Of the which lands my Lord has infest Sir David Menzies of Weem in the lands of Trelemor, Forgir, Glassy and Rawer in free barony. The which infestment in as far as it belongs, or may belong to, us we ratify and approve, and will that the said lands with their pertinents, of which Sir David Menzies is infest, be not comprehended in our said dowry; nor that the estate or sasine we shall take thereof put Sir David or his heirs to any hurt or prejudice in any

manner in all time coming. In witness of which thing to these presents we have put our seal at Perth the 20th of the month of April in the year of grace 1435 and of the reign of my Lord the 30th year." (This lady was the queen of James I. of Scotland.)

In 1375 King Robert II. bestowed the earldom on Walter Stuart, his second son by Euphemia Ross, his second wife, a boy of ten years of age. This was the first Stuart to possess the earldom. This earl, who lived to a great age, was destined to make an inglorious name in history. He got from his nephew, King James I., a grant of the earldom of Strathearn in 1427, or fifty-two years after he got the earldom of Atholl. Notwithstanding this generous treatment he joined with Graham and other conspirators in the assassination of James I. at Perth in 1437, and was afterwards arrested and executed at Stirling, and his estates forfeited to the crown. He was seventy-two years of age. It was not till 1457, in the reign of James II., that the earldom, which had been twenty years dormant, was conferred on John Stewart of Lorn, son of Sir James, Black Knight of Lorn, and Johan, widow of James I., consequently uterine brother to the king. John of Lorn, first Earl of Atholl under this line, was twice married. By his first wife he left two daughters; by his second two sons and eight daughters. This earl is said to have been a man of extraordinary energy and great capacity, either for peace or war, and was in favour with James II. In a truce concluded between James and the English in 1457, and again in 1459, the earl was one of the guarantors. In 1463 he was Ambassador Extraordinary to the court of England.

King Edward and the Earl of Ross, Lord of the Isles, in 1462 executed a remarkable treaty of a treasonable nature, by which the earl bound himself

as vassal for life to Edward, and was to aid him in subduing the Western Isles. Ross raised an army, proclaimed himself King of the Hebrides, took possession of the castle of Inverness, invaded the Atholl country, issued a proclamation that no one should obey the officers of James III., and commanded all taxes to be paid to him. He stormed Blair Castle and, it is said, dragged the earl and countess from the chapel and sanctuary of St Bridget to a prison in Isla (Islay). The earl and countess were shortly liberated, but we have no record of subsequent movements.

Earl John lived at a very critical period in Scottish as well as English history. The Wars of the Roses and the struggles for supremacy between Edward IV., son of Richard, Duke of York, and Henry VI., the weak monarch, were in full swing, and the Scottish nobles were interested onlookers. After the tragic affair of Lauder Bridge in 1481 the Earls of Atholl and Buchan commanded Edinburgh Castle, where James III. was a prisoner. The Duke of Albany laid siege to the castle, which shortly after surrendered. On the king's release Atholl, Angus and others were prohibited from coming within six miles of the court, while the Earl of Buchan and Lord Crichton were banished for three years. Atholl was the principal agent in a treaty between James III. and the rebels in 1488, delivering himself as a hostage for the king's performance of his part when he was imprisoned in Dunbar Castle. He was shortly after liberated, and the same year fought under the standard of James III. at Sauchieburn, where he commanded the first division of the Royalists.

There are recorded two charters by John of Lorn, Earl of Atholl, of the thanage of Glentilt, to John Stewart, his son, whose lands were voluntarily resigned by Finlay,thane of Glentilt.

Atholl, after the defeat of James at Sauchieburn, gradually became reconciled to the rule of James IV., and lived peaceably under that monarch. It is recorded that he died in 1512, and was succeeded by his son John as second earl. Earl John married a daughter of Archibald Campbell, Earl of Argyll, by whom he had one son and five daughters. He fell, along with James IV., at Flodden, in 1513, in the flower of his age, and was succeeded by his son John as third earl, who was only six years of age. He subsequently married Grizel, daughter of Sir John Rattray of Rattray, and is recorded as having been a man of great hospitality, having vast estates, which appear from charters under the great seal of James V., but like his father before him he does not appear to have taken any conspicuous part in public affairs.

Pitscottie, in his "History of Scotland," gives a graphic account of the visit of James V. and his mother to the Earl of Atholl (1529), of their costly entertainment, of the chalet or shooting lodge that was erected for them in the wilderness: and the burning of it as soon as it was vacated by the royal party, much to the astonishment of the Nuncio of the Pope, who was of the party and was not aware that it was the practice of the Highlanders to burn such temporary erections. He left issue:—two sons and seven daughters, and died prematurely in 1542. This earl was succeeded by his son John as fourth earl, who was a man of great ability, loyalty and intelligence: a Privy Councillor in 1561 and Chancellor of Scotland in 1577. He voted for Queen Mary's divorce from Bothwell in 1569. This is the earl who died at Kincardine Castle, Auchterarder, in 1579, under suspicious circumstances.

On 5th July 1565, when Moray attempted to seize Queen Mary at Perth, she called on Atholl and Ruthven to help her: Atholl immediately assembled

300 troops and escorted her until she was out of danger and had reached Callender House, the seat of Lord Livingston. At the banquet on 29th July following, on the occasion of the marriage of Mary and Darnley, Atholl was the minister in charge who managed the feast and directed all details, and, it is generally admitted, discharged that responsible duty very creditably. This earl, along with Morton, Argyll, and Kirkaldy of Grange, organised a party for the protection of the infant king against the designs of Bothwell. Atholl, who was a Catholic, was highly displeased at the seizure of the queen by Bothwell, and he resolved to go over to the confederates, which he did, and took part with them at Carberry Hill in 1567. The queen, who was basely betrayed on that occasion, was led on horseback into Edinburgh riding between Atholl and Morton. Atholl cannot be congratulated for this behaviour. The warrant for her commitment to Lochleven was signed by Atholl and others. Atholl was one of the Council of Regency when Mary's abdication was forced upon her by Lindsay of the Byers shortly after Carberry Hill. When James VI. was crowned at Stirling immediately afterwards Atholl bore the crown, Morton the sceptre, and Glencairn the sword, and was prominent in that coronation ceremony which was a disgrace to all concerned.

On 15th August following Atholl accompanied the Regent Moray on a visit to the queen at Lochleven and was admitted to her presence, but he did nothing for her liberation. He evidently repented of this antagonism to the queen, for in the famous petition of 16th April 1570 by the Scottish nobles to Queen Elizabeth for the restoration of Mary, Atholl was one of the signatories.

In 1575 Hamilton of Bothwellhaugh, who shot the Regent Moray and escaped to France, proposed to

return to Scotland. This was approved by the Hamilton faction but disapproved by the majority of the nobles. Atholl joined the majority, as also did Argyll. The Regent Morton endeavoured to bring both parties to respect the laws, but his conduct gradually became tyrannical. This movement ended in Atholl and Argyll rising in rebellion against the regent. They were very powerful, and had great possessions, and could command nearly the whole of the north of Scotland. Atholl hated the regent for his conduct to Lethington, who died in 1573, supposed to have been poisoned by him. Argyll had married the widow of the Regent Moray, a lady who possessed Queen Mary's jewels, and Argyll and Morton had quarrelled over them. Atholl and Argyll in the circumstances were dissatisfied with Morton having the custody of the young king and they were determined to put an end to this. In 1577 there was unfortunately a series of quarrels between Atholl and Argyll. Both earls at the head of their retainers prepared for extremities, when the regent interposed his authority and induced them to disband their followers. This quarrel was afterwards made up, and Atholl and Argyll joined together to resist the overbearing conduct of Morton. Atholl at this crisis received a flattering letter from Elizabeth recommending peace, but Morton followed this up by declaring Atholl a rebel.

On 4th March 1578 these nobles and their retainers were in Morton's absence admitted into Stirling Castle to the presence of the young king, when they urged him to take the government into his own hands. In the midst of the discussion a letter arrived from Morton to the king, denouncing the conduct of these earls, and declaring he would resign the regency if their conduct was overlooked. This was too good an opportunity to be lost, and

before Morton had time to retract, Glamis the Chancellor and Lord Herries arrived at Dalkeith, Morton's residence, with a message from the king requiring his immediate resignation. Morton obeyed and his resignation was the same day proclaimed at the Mercat Cross of Edinburgh. Immediately after, Glamis the Chancellor and the Earl of Crawford quarrelled, when Glamis was killed in the scuffle which took place in the Canongate of Edinburgh. Atholl was thereupon appointed Chancellor of Scotland and one of a council of twelve to assist the king in his administration. A meeting would appear to have taken place shortly after this at Craigmillar between Atholl, Argyll and Morton, to adjust differences, after which all three, matters having been arranged, dined at Dalkeith Palace. Next morning, 9th May 1578, Morton, unknown to his guests, got up before daybreak and with a small escort rode off to Stirling, entered the castle and resumed his ascendancy over the king. Morton then assembled a parliament at Stirling, but Atholl and Argyll, enraged at his conduct, did not attend. They mustered their forces, determined to maintain their opposition to Morton by force of arms, and on the 11th August following marched from Edinburgh to Falkirk. There some skirmishing took place between them and Morton's troops, led by the Earl of Angus. By the intervention of Sir Robert Bowes, the English ambassador, hostilities were avoided, and Argyll, Lindsay and Morton were afterwards added to the King's Privy Council. During this turbulent period Atholl, the Chancellor and the great leader of the confederacy against Morton, died suddenly at Kincardine Castle on 25th April 1579, under circumstances of great suspicion. He had just returned from a banquet at Stirling given by Morton in honour of himself and Argyll, but this statement is not

confirmed. Atholl's death was, as might be expected, a surprise to his friends and followers, and they ordered a *post-mortem* examination of the body to take place; this was done in presence of the king and the Privy Council at Stirling on 16th June 1579, and the medical officers, it would appear, disagreed in their verdict, but by some of them "the poison was so plainly detected that they declared there was not a doubt on the subject." It has generally been supposed, and with some reason, that the deed was instigated by Morton (to get rid of an enemy), who in the course of his life had caused the death of many public men. The statement that the young Earl of Mar, son of the Regent Mar, and his mother, Annabella Murray of Tullibardine, were accused of the crime cannot, we think, be maintained. By an eminent authority¹ Atholl had been an invalid for a year, and at Blair Castle there is preserved a permit for him to go abroad for a time. Atholl was one of the leading men of the time, and the unsettled condition of the kingdom would not permit of his going away in quest of health. He was interred by the king's authority in St Giles, Edinburgh, beside the Regent Moray. Atholl married, first, Elizabeth, daughter of the Earl of Huntly, and second, Margaret, daughter of Lord Fleming, by whom he had one son and five daughters. His son, John, succeeded him as fifth earl and, it would appear, married Lady Mary Ruthven, daughter of William, first Earl of Gowrie.

In 1585 the Regent Arran imprisoned Atholl because he refused to divorce his wife, Lady Mary Ruthven, and entail his estates on him. Atholl was afterwards appointed a member of the King's Privy Council. At the murder, by Huntly, of the "bonnie" Earl of Moray, in 1592, Atholl and the nobles took steps to have it avenged, and loudly demanded

¹ Hist MSS. Com.

justice. Atholl, with other Highland chiefs, invaded Huntly's territory, wasting the country wherever they went. Atholl was at the end of 1200 foot and 900 horse, and was appointed Lieutenant-General beyond the Spey in order to reduce those unquiet regions and prevent their again falling into the hands of the rebels. The Catholic earls were attainted, and their estates seized by the crown. These rebellious proceedings were due to the weakness of the administration, Catholic intrigues, and general discontent regarding Huntly's assassination of Moray. Atholl was a leader in that well-known incident of 1593, the second attempt by Bothwell to capture the king. The Countess of Atholl enabled Bothwell and Colville to enter Holyrood by a private passage, the countess conducting them into an anteroom opening into the king's bedchamber, and hid them behind the hangings. Bothwell then knocked rudely at the king's chamber door, which was opened by Atholl. James, hearing the noise, rushed out, in a state of *déshabillé* and, seeing Bothwell and Colville standing before him with drawn swords, attempted to escape, but finding the door locked, cried: "Treason, treason." Atholl and others entered the room, but James, seeing himself confronted by his enemies, threw himself into a chair, when an altercation ensued, and Bothwell and Colville eventually retired. Bothwell was tried for this act of high treason but was acquitted. At the battle of Doune shortly after this event the king's troops defeated those of Atholl, Gowrie and Montrose. Atholl made his escape, but the others were taken prisoners. Atholl (John Stewart, fifth earl) died in 1594.

He left no sons, but the following daughters:—Dorothea, married to William, second Earl of Tullibardine, and had issue, Mary, married to James Stewart, Lord Innermeath, who afterwards acquired

the earldom of Atholl; Jean, married to Henry Stuart, Lord St Colme; Anne, married to Andrew Stewart, Master of Ochiltree.

In 1595 John, sixth Lord Innermeath, was by James VI. created sixth Earl of Atholl, having got a grant of the estates and dignity. He married, first, Margaret Lindsay, sister of the Earl of Crawford, by whom he had a son and heir, James; secondly, Mary Ruthven, widow of John, fifth earl, but no issue. This earl died in 1603, and was succeeded by his son, James, as seventh earl. Earl James, who lived a quiet life, married Mary, daughter of the fifth earl, and died, in 1625, without issue. The earldom again reverted to the crown.

THE MORAY OR MURRAY LINE

The family of Murray of Tullibardine now come to the front as the fortunate successors to the earldom, and it will be desirable to give an outline of their genealogy connecting them with the Atholl succession. Gilbert de Moravia (Moray) was Archdeacon of Moray, and afterwards Bishop of Caithness. His brother John is claimed as the ancestor of the Murrays of Tullibardine, and in 1219 is named as Sheriff of Perth. He was succeeded by his son, Sir Malcolm Murray; and Sir Malcolm's son, Sir William, became in 1284 first Laird of Tullibardine. He acquired those lands by his wife, Ada, daughter of Malise, seneschal of Strathearn.

Sir Malcolm Murray, or Moray, witnesses a charter granted by Malise, Earl of Strathearn, 1251-1263, and is probably the Sir Malcolm who appears between 1250 and 1260 as owner of lands in Roxburgh. He was designated Sheriff of Perth in a charter, dated

between 1270 and 1282, by Malise, Earl of Strathearn, to Sir Malise of Logy. In the *Registrum de Dunfermlyn* there is a charter by a Sir Malcolm de Moravia, 20th July 1274, by which he gave to the Church of Dunfermlyn the lands of Beath Wester, which grant was confirmed by Sir Alexander Moray at Culbin on the 1st August of the same year. In 1260 Sir Malcolm gave the lands of Llanbryde in Morayshire to his son William. He died in 1284, having, it is said, married the heir of Sir Geoffrey of Gask, with whom he got the lands of Gask. He left issue, John, son and heir of Sir William; this William left a son, Andrew Murray of Tullibardine, who gave an annuity out of that estate to the abbot and convent of Inchaffray. He supported Edward Baliol; was taken prisoner on 7th October 1332 at Perth, and executed for high treason. He left a son, Sir William Murray of Tullibardine, who on the resignation of Ada, his grandmother, wife of the late William Murray, had a charter of the lands of Tullibardine in 1333 from Malise, Earl of Strathearn. His successor, Sir John Murray of Tullibardine, had a donation of the lands of Pitcairlie from Sir Alexander Abernethy. He was succeeded by Walter Murray of Tullibardine, who had confirmation of the lands from David II.; his grandson, Sir David Murray, succeeded in 1380, and had a charter from Euphemia, Countess Palatine of Strathearn, of lands in the east of Strathearn. Sir David Murray of Tullibardine was in 1432 served heir to his grandmother of the lands of Aldie. His son, Sir William, succeeded him in 1452, and was appointed in 1473 steward of Strathearn and keeper of Doune Castle, with power to hold courts and punish offenders; he was also owner of Tullibardine and Gask. Sir William Murray was served heir to his father in 1461, and died in 1524; he was in 1483 appointed for life steward of Strathearn, Keeper of

the Royal Forests, and Coroner within the bounds of the earldom ; his son, Sir William, was served heir to his grandfather in 1525, and left issue. Sir William was Controller of Scotland, 1560-1562, and was knighted in 1565. He left issue, Sir John, who succeeded him as first Earl of Tullibardine, and others ; Sir John was second heir of his father and succeeded in 1583. He was married in 1576 to Catherine, fourth daughter of David, Lord Drummond, and left issue, ten children ; he died in 1615. William, second earl, was born in 1574, and married, in 1599, Cecilia, daughter of Sir John Wemyss, but left no issue ; secondly to Dorothy, eldest daughter and heiress of John Stewart, Earl of Atholl, and niece of the Earl of Gowrie, by whom he left issue, John, afterwards Earl of Atholl ; and Mary, married to Sir John Moncrieff. John, Earl of Atholl, was son and heir of William, second Earl of Tullibardine. He married Jean, daughter of Sir Duncan Campbell of Glenorchy, and died in 1642, leaving issue, John Murray, second Earl of Atholl, created in 1676 first marquis.

In 1629 John Murray, only son of William, second Earl of Tullibardine and Dorothea Stewart, eldest daughter of John, fifth Earl of Atholl, was by Charles I. created eighth Earl of Atholl. It is recorded that William, second Earl of Tullibardine, when a young man, together with his cousin, Viscount Stormont, aided James VI. at the Gowrie conspiracy. For this service Tullibardine was made Lord Lieutenant and Sheriff of Perthshire, an office which had heritably belonged to the Ruthvens since their appointment to it in 1487. His brother, Patrick Murray, became by letters patent third Earl of Tullibardine in 1628. Patrick was succeeded by his eldest son, James, as fourth earl. He died without issue, and the estates went to Atholl. John Murray, the eighth Earl of Atholl and first of the line of Murray, is described as

having been a man of singular worth and probity ; when civil war broke out he attached himself to his majesty's interest. He raised 2000 men for the king's service, and declared he would oppose every measure which was contrary to the honour and dignity of the crown.

His Conservative opinions led him to join in the famous bond by Montrose, called the Cumbernauld Bond, dated August 1640. During the troubles of 1640 he was apprehended by order of Argyll at the ford of the Lyon, together with Sir William Stewart of Grandtully and twelve of the Atholl men. Atholl was imprisoned for a short time in Stirling Castle. On 2nd March 1641 he received a summons from the committee of Estates to explain his reasons for subscribing the bond, was requested to proceed to Edinburgh for the purpose, and not neglect the notice, "lest the same might produce further jealousy, while his appearance might clear him and remove any scruples which others might entertain against him." What the end of this was is not recorded.

It was to his kinsman and brother-in-law, the Earl of Tullibardine, that the following letter was written—an appeal for help against Cromwell, who had taken prisoners the Earl of Leven and other noblemen.

"The Earl of Loudon to the Earl of Tullibardine,
from Comrie, 30th August, 1651.

"In name of the Estates you are to attend a meeting at the Kirk of Killin on 5th September to resolve what is fit to be done for the safety of the Kingdom against those who had invaded it, and had taken a number of noble lords and other members of Committee ; also for the service of the King who was hazarding his life in the same cause, and for the

preservation of religion, our liberties, estates and lives, from perpetual slavery and ruin.”¹

Atholl joined Glencairn's insurrection in 1653 in behalf of the king against Cromwell. For this he suffered great hardships. In a letter of General Monck of 4th May 1654 a reward of £200 each was offered for the heads of Atholl and other noblemen, because they were rebels against Cromwell. In 1679 Atholl, with the Duke of Hamilton and others, went to London to put his grievance before the king, when they were refused an audience, but ultimately were heard in presence of the Cabinet. In 1684 he was appointed Lieutenant of Argyllshire, with power of intromission over the forfeited Argyll estates. In June 1685 Atholl, with other nobles, marched successfully against Argyll. It was on this occasion that Argyll was caught as he was wading across the river Cart at Inshinnan, and afterwards taken to Edinburgh and executed.

The unsuccessful attempts of Argyll to vindicate the liberties of his country were followed by disgraceful cruelties against his defenceless retainers. Upwards of twenty of the leading chiefs of his clan were put to death by Atholl, while many of humbler rank were hanged without trial. Atholl laid waste the whole district with fire and sword, burnt the houses, destroyed the nets and fishing boats, and did other damage. More than 300 persons of both sexes were transported to the colonies and sold for slaves. Many of them were deprived of their ears and branded on the cheek with a hot iron. In 1689, shortly before the battle of Killcrankie, Claverhouse and Mackay were engaged in mustering their forces. Atholl was in great straits as to the course he should follow, as he had already deserted both parties. His

¹ Atholl Collection.

eldest son, John, Lord Murray, who was married to a daughter of the Duke of Hamilton, had declared for King William. Lord Murray in July summoned his father's retainers to arms, and 1200 obeyed the call, but their fidelity could not be relied on. Both parties felt the importance of securing Blair Castle on account of its commanding position. It was eventually secured by Claverhouse.

The photograph of John, first Marquis of Atholl, drawn by Macaulay we do not agree with. The deposition of James VII. and the accession of William and Mary were astounding events in the history of the time. The Highland people were in reality Jacobites, strongly attached to the house of Stuart; yet they could not condone the wholesale massacres which took place in the reign of James, and which led to his downfall.

The people rose in rebellion against these massacres of Protestants and Covenanters, and this movement took shape in 1687. Atholl was Lieutenant-General for James in Scotland. He had possessed the unqualified confidence of Charles I. and Charles II. James continued him in office, but Atholl, after two years' service under James, retired from public life to his residence at Blair Castle, where he resolved to spend the remainder of his days. Not to offend the king, Atholl took this way of expressing his disapproval of the king's policy. He was indebted to the Stuarts for his distinguished position in the State, and it was natural that he should desire to live and die a Jacobite. His sympathies were with William and Mary, and during these fierce and bitter struggles for Jacobite supremacy in 1687 and the two following years Atholl could conscientiously take no part, and he therefore went for a short time to Bath. He has been taken to task for this by various writers, *e.g.* Macaulay, who says: "He was the falsest,

most fickle, the most pusillanimous of mankind. In the short space of six months he had been a Jacobite and a Williamite and both regarded him with contempt and distrust. After vowing fidelity to both parties and repeatedly betraying both he began to think that he should best provide for his safety by abducting his functions of a peer and chieftain, absenting himself from parliament and from Blair Castle, by quitting the country. While all Scotland was waiting in anxiety to see in which army his retainers would be arrayed, he stole away to England, settled himself at Bath and pretended to drink the waters. The general leaning of the Atholl men was towards King James. They were called to arms by two leaders, Lord John Murray, the Marquis's son, declared for King William ; Stewart of Ballechin, the Marquis's commissioner, declared for King James." Atholl had no need to steal away to Bath. He was out of office before these troubles came on, and he went to Bath with the full knowledge of his people. His son, Lord John Murray, who became one of the ablest men of that period, was afterwards created first Duke of Atholl. He was well qualified to do duty in his father's absence and has left us a splendid record of his official administration. It is the purest invention of Macaulay to say that the first marquis was either false or fickle. We have no proof whatever to warrant the statement which by posterity will undoubtedly be disregarded.

Atholl was a Member of the Privy Council, Captain of the Guards in 1676, and Master of the Household ; got a charter under the Great Seal making him hereditary Sheriff of Fife ; was Lord Privy Seal in 1672 and Lord Justice General of Scotland. By letters patent in 1676 he was for his eminent services to Charles I. and Charles II. created first Marquis of Atholl. He married Lady Amelia Stanley, daughter of the

Earl of Derby, by whom he had one daughter and six sons. In 1687 he retired from public life, as already stated, to his seat at Blair Castle, and died in 1703. His son, John Lord Murray, born in 1659, succeeded as second marquis and became one of Scotland's most distinguished sons.

In the Atholl collection of MSS. have been found, says the report of the Historical MSS. Commission, two letters which have a direct bearing on the death of Claverhouse at Killcrankie. The first is from Lord James Murray of Dowally to his brother, Lord John afterwards Duke of Atholl, dated Tullymet, 28th July 1689:—That for all the care taken to keep the Atholl men from joining, they were so engaged in blood and plunder that they were ready to join, and the writer had written to Dundee about his father's papers when he heard of Dundee being killed. This will lose them the victory and he will use it as an argument to the Atholl men.

Lord James Murray, the writer, took part in the rising along with Dundee. The report adds: "Lord James had the best means of information being in communication with both parties and his testimony on the day following the evening of the battle, of Dundee being killed disproves the story of his having been carried alive three miles to Blair Castle, and there writing a letter to King James boasting of his victory and treating his wounds as not mortal." The other letter is from Thomas Stewart of Stenton, dated Tullymet, 29th July, two days after the battle. In this letter the writer says: "My Lord Dundee was shot dead on the head of his horse." These letters corroborate previous evidence that Dundee was killed on the battlefield.

There is in the Atholl collection a letter, not signed, addressed to Lord Murray:

"Perth, 2 May 1689.—This day by Three in the morning Dundee with about 80 or 90 horse entered the town and surprised the Laird of Blair and all his officers, and hath carried them with him prisoners and taken all their horses and arms. Among the rest of the prisoners I was one myself and my arms taken from me but I received them again. There are parties just now searching for ammunition and he is refreshing his horses on the Inch and it is thought will call at Scone."

In a letter of Sir Patrick Murray of Ochtertyre to Lord Murray, 3rd September 1689, describing the situation, it is pointed out that Mackay came to Perth, where Argyll, with all the rest of his forces, were gathered, consisting of 5000 or 6000 foot and horse. The soldiers did great abuse there and in the neighbourhood, pillaging houses, seizing cattle, and carrying in vast quantities of shorn corn. Notwithstanding there was abundance of forage and provision laid in to their commissary and offered them for pay. On receiving Blair Castle from those who had been left in charge, General Mackay issued orders for all the vassals and tenants to appear before him, deliver up their arms, and swear allegiance, which was done.

There is also a letter in the Atholl collection in the handwriting of John, Lord Murray, afterwards first Duke of Atholl, dated 29th May 1693, Edinburgh:

"There is a Commission under the great Seal from the King to the person in the note enclosed, empowering us to examine anything that concerns the murder of Glencoe men, and to call for any we judge can give information and examine them on oath. We have examined the Major-

General, Major Forbes, and any we thought could make discoveries here. I have sent to acquaint the Laird of Glencoe and any of his people who can best give information of matters of fact and who I hope will get satisfaction for their goods. Breadalbane gives out that he is sure nothing will be made out against him because the orders and letters in that affair came from a friend of his, the Master of Stair. But it concerns the whole nation to have that barbarous action fully and clearly made out and laid on the true author and contriver of it whoever he be; innocent blood is a crying sin which all have reason to endeavour to bring the authors of to light. I know none who has been more sensible of this than my father, and I doubt not but he will assist to bring it above board. I know Barcaldine knows all the intrigues of the affair and of the capitulation Breadalbane made with the Highlanders. It is to be hoped he will not be ingenuous where his master is concerned. Keppach understands the business and the private transactions Breadalbane had with the Clans, which is desired by the Government here to be discovered truly and will cause the Glencoe affair to be best understood. I have sent a permit to Keppach that he may be in no hazzard. . . . We are sworn not to divulge the particulars of the Glencoe business until the examination be ended. When it is, your Grace shall see that it has been a more horrid business than was imagined."

The lawless condition of the time is indicated in the following letter:—

"Patrick Murray of Dollerie to the Earl of
Tullibardine, 27th October 1697.

"The Earl of Seaforth hath committed great crimes and riots whereof I believe your Lordship

might have some account before. He sent Carry a Priest who had disobeyed him, to an island and kept him there all alone, without fire or clothes, these seven years past, only he sent him some meal to keep him in life. This being represented to the Council they ordered Seaforth to be cited that he might produce the man and he, getting notice that he was to be cited, it is said that the man is now murdered. If Seaforth takes such a desperate course as the Beauforts have done they may make a considerable tumult in the North. Beaufort in one of his letters to Colonel Hill says he can have 1500 men at his command. He tells me besides that Fraser of Beaufort erected two gibbets, the one to hang the Lords on, and the other for hanging gentlemen.”¹

The Marquis of Atholl was appointed Secretary of State for Scotland by William III. in 1695; in 1696, in his father's lifetime, he was created Earl of Tullibardine and High Commissioner to the Scottish Parliament. The same year he conducted the correspondence with the Town Council of Perth respecting the removal of St Andrews University. In 1702 he was appointed a Member of Queen Anne's Privy Council and Lord Privy Seal; and in 1703 Queen Anne, in recognition of his services to the State, created him first Duke of Atholl.

On 20th May 1704 the first duke received the following letter from Rob Roy:—

“My Lord in your Grace's absence Fonab pressed two of your men and sent them to Edinburgh for recruits. Your Grace was pleased to protect these two men formerly; therefore I humbly beg that you may be pleased to cause to be liberated this poor

¹ Atholl Collection.

man who hath left a wife and many small children behind him. If not, Fonab may hereafter dispose of your Grace's men as if they were his own. Begging pardon for this I am etc. Ro. CAMPBELL."

Lord George Murray writes to his father, the first duke (1709):

"I received your Grace's letter and am very willing to be as good a soldier as lies in my power because it is your Grace's will which I am bound to obey and also think it my great happiness to do. My class has got a new book named Horace which your Grace will be pleased to send down if in the Library otherwise it must be bought in Edinburgh. Cornet Murray brought my sword from Edinburgh but I want a sword belt which are sold in this town if your Grace will allow it to be bought. The money I received from your Grace is almost done. I shall send an account in next letter and how it was spent. The copy of your Grace's letter shall be sent per next, and you will be pleased to excuse me for not sending it now because I will lose my lesson."

Then we have the following characteristic letter :

"Rob Roy to the Duke of Atholl.

"Portnellan 27 January 1713. — I am hopeful your Grace has heard how the Duke of Montrose is offering to ruin me upon the account of cautionrie that I engaged to his Grace. I have offered him the whole principal sum with a year's rent which he positively refuses. The reason is he sent me a protection and in the meantime when I had the protection he thought fit to procure an order from the Queen's advocate to Fonab to secure me and had a party of men to put this order in excution against

me. This was a ridiculous way for a nobleman to treat any man after this manner. Fonab is still promising to put this order in execution but if I can his Grace and he will not do it. God knows there is vast difference between Dukes. Blessed be God for it that it's not the Atholl men that are after me: although it were, if your Grace would send to me the least footboy, I would come without any protection. Your Grace was always charitable and kind to me beyond my deservings. If you would speak to the advocate to countermand his order since it is contrary to law, it would ease me very much of my troubles. I am etc.

ROB ROY."

The freebooter was seized and imprisoned by the Duke of Atholl in 1717, but shortly after escaped by the connivance of his captors, the Atholl men, while the military were on the way to receive his person.

During the lively debates in 1706 which preceded the Union, Atholl, like many other Scotsmen, warmly opposed that measure. His Grace was one of the sixteen representative peers in the third and fourth parliaments of the new kingdom of Great Britain. His Grace was unquestionably the most distinguished man of his time, and while there were many conspicuously able men in the British parliament the first Duke of Atholl will maintain his place at the head of that eminent list of British statesmen who did honour to the reign of Queen Anne and George I. He married Catherine, eldest daughter of the Duke of Hamilton, by whom he had six sons and one daughter. His eldest son fell at the battle of Mons in 1709; his second son, William Murray, Marquis of Tullibardine, for joining the rebellion of 1715, was attainted for high treason, and died in 1747, in the Tower of London. He left no issue.

The troubles of the time it would be difficult to

find words to adequately describe. Sheriffmuir was in the foreground, and a few weeks after the battle the Earl of Nottingham considered it his duty to send the following letter :—

“To the Duke of Atholl; London 13th September
1715.”

(Acknowledging on behalf of the King the repeated assurances the Duke had given of his fidelity the earl proceeds :)

“The King is so far from imputing to your Grace the criminal indiscretion of your son the Marquis of Tullibardine that he would gladly show his mercy toward him if he would yet render himself a proper object of it by his returning from those who are no less enemies of their country than of his Majesty. Your Grace seems to have hopes of prevailing with him to return to his duty if he could be secure from a prison, and his Majesty gives me leave to assure you of it provided that he immediately quits the party in which he is engaged and comes to London, which would be the best evidence he can give of his future fidelity, and the best and most effectual means of obtaining his pardon. If he neglects this opportunity I am confident His Majesty and everybody else will have reason to conclude that Lord Tullibardine’s submission would be of necessity rather than of choice; and consequently he will lose the grace of the action which might recommend him to His Majesty’s favour.”

The Duke of Atholl was a Royalist, but his son, Lord Tullibardine, went with Mar, who championed the Pretender. In very urgent terms the duke wrote the Earl of Sutherland :

“Blaircastle, 9th October 1715.—The Earl of Mar is still at Perth and Master of all the country here about, benorth the Forth, except this house and my country about it, and he and Lord Tullibardine have got a great many of my men to join them which it was impossible to prevent since there is not one well affected to be King on this side of the Forth who could give me any assistance. It will be of the greatest service to his Majesty and the Protestant interests, that you come with what men you can raise to Perthshire, and I shall join you with what men I can raise in Atholl. If your Lordship bring between two and three thousand men, with what you can have of the Laird of Grant’s, we will soon recover the North side of the Forth and disperse the rebels. All depends upon the quickness of your march and I shall continue in this place till I hear from you.
ATHOLL.”

The Duke of Atholl writes, under date 15th November 1715, after the battle :

“Blair Castle.—Mar has been defeated on Sheriffmuir. I have as yet no particular account of this action but by some deserters who came to this district last night who say that Mar’s horse fled at the beginning of the action and that their left wing was entirely routed. There were about 300 Atholl men with Seaforth’s, Strathmore’s, and Struan Robertson’s. The Earl Marischal and Lord Drummond were killed and Lord Tullibardine made his escape to Perth with a few horse. I propose to march on Perth and recover that Town from the rebels. I beg as soon as this comes to your hand that you will march with what number of Grant’s men you think proper towards this place to join me in dispersing any of the rebels who may gather

together, and if I be gone further down the country I shall have a letter for you what place to come to." (It does not appear who this letter was sent to.)

The Duke of Atholl to his son, Lord James Murray, afterwards second duke.

"Huntingtower, 23 June 1716.—I received your letter of the 16th in which you acquaint me you were informed I was to have £1000 instead of £2000 which I sent up in an account of expenses and particular losses for my adherence to the Government. This is treating my account like a tailor or apothecary's bill which I did not expect after the services I have done the Crown. It is very well known that if I had not kept possession of Blair Castle the Earl of Mar had crossed the Forth with his army at the same time when that part of them did who advanced to Preston. If the whole rebels had gone into England at that time it may easily be judged what the consequences would have been. You will let Lord Ross, the Justice Clerk, and General Cadogan know that I expect at least £1000 for plundering my house of Tullibardine and particularly my Library, by his Majesty's forces. I can hardly believe what is contained in the Edinburgh Courant that Simon Fraser who is there called Lord Lovat to which he has no manner of right, has got an independent company. I have heard that the Duke of Argyll has countenanced that person which I hope is not true. General Ross is the fittest person to enquire at Argyll about this and to let him know that I don't believe it. His Grace cannot but very well know the villainous plot Fraser was connected with to raise a rebellion in the Highlands, take the life of the Duke of Hamilton, my life and fortune and several others. I hope you will have as

little to do with my Lady Nairne as possible for there cannot be a worse woman. I impute the ruin of my three sons to her artifices. Give my services to my brother Nairne and tell him I received his letter."

On 4th June 1717 the duke informed General Carpenter that "yesterday Robert Campbell commonly called Rob Roy surrendered himself to me who I sent prisoner to Logierait where he is kept in custody. He says he has not lain three nights together in a house these twelve months. I have written the Court that he is now my prisoner ; several who have been concerned in the late rebellion and other disaffected persons in this country have grown very insolent of late ; whether it is in expectation of a general indemnity or encouragement from abroad, I know not, although there is ground by this behaviour and information. I have heard that they are still expecting a descent."

The duke's third son, Lord James Murray, succeeded to the dukedom on the death of his father in 1724. The Lord James was Member of Parliament for the County of Perth. In 1733 Atholl was chosen one of the representative peers of Scotland, and was appointed Lord Privy Seal and one of the King's Privy Council. In 1735 he inherited the lordship of the Isle of Man, being heir of line to John, first marquis, whose wife was of the Derby family, proprietors of Man. The Derby family acquired it in 1406 from Henry IV. This duke was a man of conspicuous honour and integrity, while throughout his life he manifested great hospitality and benevolence. It is recorded that in 1745, when the Highlanders reached Blair, the duke having fled, Lord Tullibardine, his brother, took possession of the castle, of which, but for his attachment to the Pretender, he

would have been acknowledged rightful owner. Here he gave a magnificent banquet to Charles Edward, who remained two days enjoying this hospitality. In 1762 he was appointed Keeper of the Great Seal of Scotland, and Lord Justice General on the resignation of Lord Queensberry. He was twice married, and left one daughter. On his death in 1764 the succession fell to his nephew, John Murray, eldest son of Lord George, the duke's brother, who was born in 1729, and he became third duke. He married Charlotte, Baroness Strange, the daughter of the second duke, and left issue, four sons and two daughters.

John Murray, fourth Duke of Atholl, was born in 1755, and married, in 1774, Jane, eldest daughter of George, ninth Lord Cathcart. This duke, it is recorded, sold his interests in the Isle of Man for £400,000 to the British Government. He married, secondly, in 1794, the eldest daughter of James, sixteenth Lord Forbes and widow of John, Lord Macleod. The duke was created a peer of Great Britain in the dignities of Baron Murray of Stanley and Earl Strange (Gloucestershire) in 1786. He inherited the barony of Strange from his mother in 1805. The duke was a Fellow of the Royal Society, and his death took place in 1830, when he was succeeded by his son, Lord John Murray, as fifth duke, who was born in 1778. This duke lived to the age of sixty-eight years, and died in 1846, unmarried. He took no part in public affairs, and was succeeded by his nephew, George Augustus Frederick, as sixth duke, who was born in 1814, and married Anne, only daughter of Henry Home Drummond of Blair Drummond. His Grace was one of the most popular and agreeable noblemen in Scotland, and greatly beloved by clansmen and tenants on his extensive estates. Between 1850 and 1860 he gave

great attention to agriculture, and cheesemaking according to the Cheddar system. During that period he went regularly to the exhibitions of the Ayrshire Agricultural Association and acquired a thorough practical and technical knowledge of the Cheddar system. The duke, who was an early riser and a man of great energy, got up early in the morning and witnessed the whole process, from the milking of the cows to the production of the cheese. He presided regularly during that period at the annual meetings and banquets of the Association at Ayr, and became an immense favourite among the farmers of that county. When the Empress Eugenie at that period paid her first visit to Scotland the duke escorted her during the visit, and was most attentive, kind and hospitable to the distinguished lady. The duke's death in 1864, at the early age of fifty, was deeply mourned, all over the Highlands and elsewhere, and his memory was long cherished. He was succeeded in 1864 by his son, the present duke.

This remarkable earldom presents to the student of history a wonderful record. From the beginning of the twelfth century onwards the narrative is full of startling events, and forms an interesting chapter of Scottish history. The Earls of Atholl, with few exceptions, were all prominent men in their time, and took an active part in the administration of the State. The first, or Celtic earls, we know very little about; nor do we know much about their immediate successors, who got the earldom through their wives. After the death of the seventh earl, Sir David Hastings, who died of the plague at Carthage, the recorded narrative becomes fuller and more intelligible. The Strathbogie family succeeded him: the heir having married the only daughter of Sir David Hastings. Under this line there were five earls, all more or less distinguished, but David, the last earl, was evidently a

strong-minded, violent man, who joined Baliol and the English king and, in a foolish attack on Kildrummy Castle, the property of Sir Andrew Moray, afterwards regent, he was slain by the Royalist troops commanded by Moray, and his estates confiscated to the crown. This closed the Strathbogie succession, and the earldom was thereafter conferred on John Campbell, and afterwards on Sir William Douglas, but both of these earls died without issue, and the earldom again reverted to the crown. It was then conferred on the strongest man under King David II., and that was Robert, the High Steward of Scotland, who, after his succession to the crown, gave it to his son, Walter—the earl who many years afterwards led the conspiracy against James I.

The character of Walter is very imperfectly recorded, and no adequate reason is given for his brutal conduct to the king. In addition to this earldom, with its princely revenues, he in the course of his life received from James I. the earldom of Strathearn; and he should have been the very last man in the realm to conspire against his sovereign. For this conduct he was executed, as a just punishment for his crime. The condition of Scotland at that period, after the assassination of the king, was practically anarchy, a time of unqualified lawlessness, when every man was a law unto himself. The young king, James II., was a child, and during his reign many of the most startling events in Scottish history occurred. Lords Crichton and Livingstone assumed administrative power, and the Douglasses carried on open warfare against them. The earldom of Atholl had fallen to the crown, and for the long period of twenty years remained dormant. The young king in 1457 bestowed it on his uterine brother, John Stewart of Lorn. The Stewarts of Lorn were a powerful family at that period, and five successive earls of the house

of Lorn, all named John Stewart, occupied the earldom. The most distinguished of these was John, the fourth earl, who took an active part in public affairs in the reign of Queen Mary. The record shows many heroic deeds done by this earl, the most notable being the expulsion of Morton from the regency, an ingenious and very proper act brought about mainly by the ingenuity of Atholl. Whether the death of this earl, by poisoning, which took place in Kincardine Castle, was due to this very bold proceeding is not recorded. His antagonism to Queen Mary at Carberry Hill, and his taking part with the confederate lords against her cannot be defended, but he lived to repent of this unfortunate episode in his life. He was, a year before his death, appointed Lord Chancellor of Scotland. His son, the fifth Stewart earl, died without issue, and the Stewarts of Innermeath succeeded to the earldom. But the second Stewart under this line also died without male issue, and again the earldom reverted to the crown. It lay dormant for three years, at which time Sir John Murray of Tullibardine, grandson of John Stewart, fifth Stewart earl, succeeded to the revenues and dignities.

The Murrays have been the most eminent of all the occupants of the earldom. The son of Sir John became first marquis, and the son of the first marquis became first duke, receiving these honours in return for the great political services rendered by them to the State.

THE ANCIENT EARLDOM OF STRATHEARN

IT would be impossible, from the material at our disposal, to make up a satisfactory record of this earldom, which is so much shrouded in antiquity. Strathearn, Menteith and Atholl formed in early times the western half of the little independent kingdom of Scotia which was a possession of the Southern Picts. This earldom, it is said, was created by Malcolm Canmore, King of Scots; and the first earl was Mallus, or Malise, who flourished early in the twelfth century. The earls were all men who were prominent in the history of their time—may be said to have been the first nobles of the period in which they lived—and during their term of office contributed much to the development and general progress of civilisation at that early period of Scottish history. It was an earldom that in its later days was prized by the reigning family, being once held by Robert the High Steward, afterwards Robert II., and the first Stuart king. After him it was held by two of his sons. David, the king's son, was a fortunate man, for his father in giving him the earldom made it by royal warrant a county palatine, thus conferring on the earl all the power and jurisdiction of a sovereign over the lands comprising the earldom.

If the word palatine be used to denote a quasi sovereign fief of which the lord is autocrat in respect of all internal jurisdiction it would be difficult to

find a more conspicuous example than Strathearn. Afterwards, when the word was adopted, we find Strathearn forfeited or resigned and the new grantee who received the earldom "to hold as Malise held" at once styled Earl Palatine.¹

Of the original or Celtic line Gilbert, the third earl, was probably the most distinguished. He and his countess were the founders of the ancient Abbey of Inchaffray, whose interesting original library still remains, a relic of antiquity, accessible at all times to the public. The foundation charter of Inchaffray has recently been discovered, and is a remarkable document, considering its great age. Earl Gilbert was a man possessing great influence under his sovereign, William the Lion. Malise was a favourite name of the Earls of Strathearn, probably because the earliest known earl bore that name.

King James I. bestowed the earldom of Strathearn on his uncle, Walter Stuart, Earl of Atholl, son of Robert II. The whole race of the Grahams, who were at that time numerous and formidable, rose in arms against this arrogant and indefensible proceeding, and gave the king no peace until in 1436 they effected his assassination. It is a curious fact, and one not to be lost sight of, that Walter Stuart, the new earl, who had received such wealth from the king and such unlimited possessions, was one of the most active conspirators against his royal master. He turned out to be a man of great duplicity of character, in illustration of which it will be found that on the night of the assassination he was actually a guest at the royal table and partook of the king's hospitality; and when supper was over, and the evening's enjoyment finished, he was responsible for opening the gates and giving the conspirators access to the premises. It would be difficult

¹ Scot. Hist. Socy.

to find in the pages of history a more deliberate act of duplicity. He paid the penalty, however. Within a month of the commission of the crime he was "hanged, drawn and quartered" on the Castlehill of Stirling. The earldom then reverted to the crown, and the title from that period became extinct.

Before this famous earldom became extinct a great calamity befell the last but one of the earls. On the return of James I. from captivity that monarch, judging from his own cruel experience of being detained so many years a prisoner in England, had formed the idea that the Scottish nobility had grown so powerful and independent that they could do without a king, seeing they had taken no steps for his liberation.

At Drummond Castle there are charters which establish beyond doubt that Maurice, ancestor of the Drummonds of Concraig, was made Coroner and Forester of Strathearn by the High Steward of Scotland and thereafter hereditary Steward. These charters show that, notwithstanding counter claims by the Murrays of Tullibardine, the Drummonds of Concraig and their assignees, the elder Drummonds of Cargill, always retained the office which has been hereditary in the Drummond family since the fourteenth century.¹

As already stated, the first known Earl of Strathearn was Malise, or Mallus, who was mormaer of the lands comprising the earldom. This Malise, along with other earls, in 1115 signed the foundation charter of Scone as a witness, and he witnessed the charter of King David I. to Dunfermline in 1128. The following Kalendar of the Earls of Strathearn will enable the reader to form some estimate of this once noble and princely possession, which afforded its respective occupiers power, wealth, and royal jurisdiction :—

¹ Scot. Hist. Socy.

KALENDAR OF THE EARLS OF STRATHEARN

	Suc- ceeded.	Died.	
Mallus or Malise, First Earl of Strath- earn	1115	1138	
Ferteth or Ferquhard, Second Earl, his son	1138	1171	
Gilbert, Third Earl, son of Ferteth . .	1171	1220	
Robert, Fourth Earl	1220	1240	
Malise, Fifth Earl, grandson of Gilbert	1240	1265	
Malise, Sixth Earl	1271	1312	Born 1240.
Malise, Seventh Earl	1312	1333	Born 1260.
Malise, Eighth and last Celtic Earl of Strathearn	1333		
Sir Maurice Moray, Ninth Earl, nephew of Malise	1344	1346	Earldom dor- mant eleven years.
Robert, High Steward, Tenth Earl . .	1357	1370	
David Stuart, Eleventh Earl	1370	1390	
Euphemia, Countess Palatine of Strath- earn	1390	1406	
Sir Patrick Graham, Twelfth Earl . .	1406	1413	
Malise, son of Sir Patrick Graham, Thirteenth Earl	1413	1428	Confiscated ; Earl died 1492.
Walter Stuart, brother of David, Four- teenth Earl	1427	1437	Confiscated.

In 1138 Malise, the first earl, fought and signalised himself at the battle of the Standard, where in all probability he was slain, as we find in 1149 that Ferquhard, his son, was that year administering the earldom as second earl. In 1160 Ferquhard, with six other Celtic earls, rebelled against Malcolm IV. and besieged him in the Castle of Perth, because he accompanied King Henry II. to Toulouse. These probably were: Strathearn, Mar, Fife, Atholl, March, Lennox, and Angus. Ferquhard, or Ferteth, second earl, had issue as follows :—(1) Gilbert, his heir, after-

wards founder of Inchaffray. (2) Malise, who took a conspicuous place in the settlement of the canons and was a witness to royal charters as a tenant-in-chief of the crown, and held various estates, some of which descended or passed to the Grahams and Murrays. This Malise in 1308 granted the lands of Rathengothen to the Abbey of Lindores for the souls of himself, Ada his wife, daughter of Earl David, and others. The Lady Ada granted a carucate of land to the Abbey of Lindores that she might be interred there.¹ Malise left no issue so far as can be discovered. (3) Christian, who became wife of Walter Olifard on the authority of a charter quoted by Lord Strathallan. In 1171, on the death of Ferquhard, we find Gilbert, Earl of Strathearn, son of Ferquhard, administering the earldom as third earl. He and his wife, Matilda, daughter of William D'Aubigny, Earl of Albermarle, founded the monastery of Inchaffray in 1198. Earl Gilbert, who had one brother, named Malise, died in 1223, and had issue, eight sons and three daughters. His sister married Sir Walter Oliphant, ancestor of Lord Oliphant, and in 1200 got with her the lands of Strageath in Strathearn. His second daughter, it is said, was married to Sir William Hamilton, ancestor of the Duke of Hamilton. Robert, the fourth earl, son of Gilbert, succeeded in 1220, and was one of the witnesses of the treaty between Alexander II. and Henry III. at York, where that important conference took place in 1227. He was one of the most prominent men in the reign of Alexander and was in 1237 a guarantor for peace between these two kings. Earl Robert was in 1240 succeeded by Malise, his son and heir. He also was one of the guarantors of a treaty between Scotland and England which was negotiated in 1244. He was also one of the guar-

¹ Chartulary of Lindores.

dians of Alexander III. during his minority. When Alexander III. changed his ministry Malise, Earl of Strathearn, by the advice and consent of the nobility, was in 1225 chosen one of the Privy Council.

In 1266 the Earl of Gloucester set out for Scotland and along with the Earls of Strathearn, Dunbar and Carrick surprised Edinburgh Castle and relieved the royal couple, Alexander III. and his queen, children of fourteen years, from the pretended captivity in which they were held. The young queen was the daughter of Henry III. of England, and jealousy arose in the minds of the Scottish nobles as to the menacing attitude of Henry and English predominance in Scotland. Malise is recorded as having been a man of great ability and concerned in most of the public transactions of the time. He married the widow of the King of Man and had by her one son, Malise, his heir. Malise, the sixth earl, who was born in 1240, succeeded to the earldom in 1265, on the death of his father, and was one of the guarantors for the alliance with Norway in 1281, and approved of the marriage of the Princess Margaret, daughter of Alexander III., with Eric, King of Norway. In 1284 he entered into a solemn engagement to maintain and defend the Princess Margaret's right to the crown of Scotland if Alexander died without male issue. As a proof of his ability he was one of the arbiters chosen on the part of Robert Bruce in his competition for the crown with John Baliol. He married Mary, daughter of John Comyn of Badenoch, by whom he had a son and a daughter. This earl died in 1294, and Malise, his son and heir, born in 1260, succeeded him in 1295.

The Catholic hierarchy in Scotland was at the beginning of the thirteenth century rapidly approaching the zenith of its power. Whatever may have been the state of civilisation, the Catholic

religion was at that period a great power in the realm. It was then that the ancient abbey and monastery of Inchaffray, situated in the parish of Madderty, was founded by Gilbert, third Earl of Strathearn. It was built on an island surrounded by the waters of the river Pow. Inchaffray rose to be a wealthy mortification, and at the Reformation of 1560 is said to have had no less than the tithes of twelve parishes forming part of its revenues. After that period it gradually fell into decay. Its library, as just stated, is still preserved and is of interest to all students of history. The abbots of Inchaffray were, many of them, men of mark in their time. At Bannockburn, on 24th June 1314, the Scottish army heard Mass. This solemn service was performed by Maurice, Abbot of Inchaffray, upon an eminence in front of the lines where he could be seen by all the troops. In the course of the battle the abbot, bare-headed and barefooted, walked along the Scottish lines and, holding a crucifix aloft, exhorted the soldiers to fight bravely for their rights and liberties. The troops then knelt down, and he offered up prayer for their success. At Flodden in 1513 the abbot of Inchaffray was among the slain.¹

In giving a description of the abbey in 1789 to General Hutton, John Dow, the tenant of the lands, says: "The whole buildings were formerly surrounded with water. Around the building was a wall of ashlar work to keep off the water. To the north on a rising hill was a place called Scar Law Knowe where they tried their criminals; and on the south side was a little mound called Tillie Chandu on which they were executed and where the executioner's lodge stands to this day. The seal of the abbey belonging to Lord Madderty is still in the Library of Innerpeffray."

¹ Inchaffray is designated *Insula Missarum*: or, Isle of Masses.

The foundation charter of Inchaffray has long been a mystery, no trace of it having been seen. It has, however, fallen to the lot of the Historical MSS. Commission to make the discovery in the course of their research. It had been safely deposited in the archives of the Earl of Kinnoull. It is a remarkably interesting document, and is in the following terms :—

In the name of our Lord Jesus Christ, who is co-equal with God the Father and the Holy Spirit I Gilbert son of Ferthet by the kindness of God Earl of Strathern and I Matilda, daughter of William d'Aubigni [Earl of Albemarle] Countess, by the suggestion of divine grace being desirous of advancing the Church of God within our domain and patrimony and to sow such plants therein as shall spring up to the service of God in holy religion, our venerable bishops John of Dunkeld and Jonathan of Dunblane assenting to our pious wish, and our children, knights and thanes being agreeable thereto, do give, grant and make over Inchaffray which in Latin is called the Isle of Masses to our Lord Jesus Christ and the blessed Mary his mother, and to Saint John the Apostle, free discharged and quit from every exaction, servitude, custom and secular imposition, with that same will and intention as any place in the whole realm of Scotland is freely, safely, quietly and honourably set apart for the Divine worship and holy religion, and that with all the possessions which hitherto the Divine bounty has conferred upon it either through us or others of the faithful or which hereafter shall be conferred upon it, and we commit the keeping and dispensing thereof to Sir Malise, priest and hermit, in whose discretion and piety we have the fullest confidence. Therefore it is our will that the said Malise shall freely use this power for gathering together with him whomsoever he desires, and of instructing them for the

service of God according to the rule of Saint Augustine in that way which he shall consider best. And after his death, in the name of God we forbid anyone through covetousness to place himself at the head of the congregation of that place unless him whom by the unanimous election of the friars with our consent has been designated to succeed him: nor shall anyone whether it be the bishop or our heir presume, to intrude anyone therein against the ascertained will of the friars. For we hold the said place in such esteem that we have chosen it to be the burial place of ourselves and our successors and there we have already buried our eldest son; therefore we give and grant to God and Saint Mary, ever virgin, and to Saint John the Apostle and his procurator, and to the foresaid Malise, and all serving and who shall serve God in the foresaid Isle, the churches and possessions under-written and we confirm the same by corroborating this present writ with the impression of our seal, —the Church of Saint Kattan of Aberuthven, the Church of Saint Ethernan of Maddyruin, the Church of Saint Patrick of Strageath, the Church of Saint Mechessock of Auchterarder, the Church of Saint Bean of Kinkell, the teind of all our canes and our rents in corn meal, malt, grain, cheese and provisions of all kinds which are bought yearly in our court and the teind of the whole fish which are brought to our kitchen, and the teind of our hunting, and the teind of all the emoluments which arise from our law pleas and other chances of all kinds, with liberty also of fishing in Pefferin when and where soever they will, and of taking in our woods wheresoever it seems most fitting material for the construction of their houses and utensils and for feeding the fire; also three acres of that land which is highest to the Isle on the north side which we bestow for the dedication of the said chapel. All these therefore with all that

pertains to them it is our will that the foresaid Malise and all serving God or who shall serve God with him and after him in the foresaid Isle, shall possess and hold in the peace of God, of the king and ourselves, of us and our heirs in pure and perpetual alms for the salvation of our souls, the souls of our children and all our friends, and for the souls of all our predecessors, and especially for the soul of Gilchrist our first born resting there as freely, quietly, fully and honourably as any house of religion in the whole kingdom of Scotland holds and possesses its property. And all our dependents in the name of God and in our own name we strictly command upon pain of utter forfeiture that none of them do any injury to the said place or to its ministers or even molest any who shall be fleeing thereto for protection, but let every one of our friends and faithful followers lovingly to their power confer upon it of the goods which the Lord has bestowed upon them in the land of the living. This our confirmation was granted in the year of our Lord 1200, the third indiction, and thirty fifth year of the reign of King William, being the second year since the death of our beforenamed son Gilchrist, who died on the 5th of October. Of this our donation and confirmation the following are witnesses :—

Roger, Bishop of St Andrews.

John, Bishop of Dunkeld.

Jonathan, Bishop of Dunblane.

Henry, Abbot of Arbroath.

Reimbald, Abbot of Scone.

Robert, Abbot of Dunfermline.

Robert de Quincy.

Seier de Quincy.

Malise, brother of the Earl.

William, Ferquhard and Robert, sons of the Earl.

Gillimes the steward.

Malise, his son.

Constantine the judge.
 Duncan, son of Malise.
 Anechol, thane of Duning.
 Gilchrist.
 Gull.
 Nigel de Dolpatrick.
 Tristan.
 Constantine the butler.
 Henry, Rennari.¹

Gilbert, the great Celtic earl and founder of Inchaffray, granted in his day quite a number of charters. The distinction between those granted to brethren and those granted to canons is set forth. The earl witnessed a charter by King Malcolm IV. at Scone in 1164. Earl Gilbert was probably born about 1150. He had issue:—(1) Gilchrist, witness to his father's charter of the Church of Aberuthven to his brethren of Inchaffray in 1198. He died the same year and was interred in Inchaffray. (2) William, who witnessed several charters, but disappears after 1208. (3) Ferteth, or Ferquhard, who witnessed the same charters and also disappears from that date. (4) Robert, who succeeded his father in the earldom as fourth earl. (5) Fergus, who witnessed his father's charters after William and Ferteth disappear, and three of Earl Robert's, as a knight. (6) Malise, who witnessed several charters, also two of his brother Robert's charters, and in 1234 the Bishop of Dunblane's charter remitting certain tithes. Afterwards, as a knight, he granted land pasturage and peats to the Abbey of Inchaffray. (7) Gilchrist, who witnessed a charter of his father, but none of his brothers'. (8) Gilbert, who witnessed two of his father's charters, and two of his brothers'. He also witnessed Earl

¹ The Pope approved of Earl Gilbert's new foundation, and the Bull of Confirmation was granted 30th June 1203.

Robert's charter to Lindores about 1233. In 1213 he was in England as a hostage of the king (William the Lion), according to Sir William Fraser, who was the ancestor of the family of Glencharny. (9) Matilda, who witnessed two of her father's charters and married Malcolm, son and successor of Earl Duncan. (10) Cecilia, who married Walter, son of Alan (Ruthven), and had a charter from Earl Robert confirming a gift by Earl Gilbert. (11) Ethne, first wife of David de Hay.

In referring to these charters, the question has presented itself: How could it have been secured that these grants from the larder and the kitchen were duly rendered to the grantees? So far as the Earl of Strathearn was concerned we have the curious picture of an official (a minister) of the Abbey of Inchaffray living in the household of the earl, boarded at the earl's cost, and treated as well as any of his own servants. His duty was to haunt the larder and the kitchen and to demand and receive the tithes on behalf of the monastery.

The dedication of the five churches granted by the great charter, and of five out of the six granted subsequently by Earl Gilbert, point in a striking way to the memories of the ancient Celtic Church in Strathearn. The solitary exception is the Church of the Holy Trinity at Gask, but this church may have had its origin in the time of Celtic Christianity. By the time of Earl Gilbert, however, each church had its right to teinds and dues. That churches were numerous in early days throughout Scotland cannot be doubted.¹

¹ Scot. Hist. Socy.

CHARTERS

[*Earl Gilbert grants to the brethren of Inchaffray the church of Aberuthven.*]

Earl Gilbert makes known that he has given to the brethren serving God and St John at the Isle of Masses in Fowlis, the church of St Kathan of Aberuthven, for the weal of his soul and the souls of his wife and his ancestors, together with all the tithes, oblations, and obventions of all kinds, and with the land which his father, Ferteth, and his mother, Ethen, gave to the said church in dowry, with common pasture and all other easements. To be held in frankalmoign. Witnesses . . .

[*Earl Gilbert grants to Inchaffray the church of Madderty.*]

Earl Gilbert makes known to all his friends and his men that he has given to God and the church of St John the Evangelist in Inchaffray, and to those serving and to serve the same church, the church of Madderty with all its just pertinents, for the weal of the souls of himself, his wife, his ancestors, and his children, to be held in pure and perpetual alms. Witnesses . . .

[*Earl Gilbert grants certain lands to Inchaffray and the canons there serving God.*]

Earl Gilbert makes known that for the weal of the souls of himself, his wife, the Countess Matilda, his

father, his mother, and his heirs, he has given to the church of St John the Evangelist, and the canons there serving and to serve, the whole land of Ardeeweni, the whole land of Achadlongsih, the whole land of Dufinder, and the whole of that land of Madderty, which was of old called the Abbacy, by their right marches, and with all their just pertinents. To be held in free, pure, and perpetual alms, in wood and plain, lands and waters, meadows and pastures, moors and marshes, peat-mosses and fish-pools, stanks and mills, with all other just pertinents and other easements, free of every aid and service, custom and secular exaction, as freely as any alms in the kingdom of Scotland is held of any earl. Witnesses . . .

[Earl Gilbert's grant of the church of Abruthven to the Canons.]

Earl Gilbert makes known that he has given to God, St Mary, St John of Inchaffray, and the canons of the same place, and their successors, for the love of God, and the weal of the souls of himself, his wife, his ancestors and heirs, the church of St Kathan of Abruthven, with all its just pertinents, in tithes and oblations and obventions of all kinds, with the land, by its right marches, which his father, Ferteth, and his mother, Ethen, gave to the same church in dowry, with common pasture and other easements, to be held of him and his heirs in pure and perpetual alms, as freely as any church in the whole realm of Scotland. Witnesses . . .

[*Earl Gilbert's grant to the canons of the church of Madderty.*]

Earl Gilbert makes known that he has granted to God, St Mary, St John the Apostle of Inchaffray, and the canons of the same place, and their successors, for the love of God and the weal [etc., as in last charter] the church of St Ethernan of Madderty, with all its just pertinents in tithes, oblations, and obventions of all kinds, with the land pertaining to the same church, and with common pasture and other easements, to be held of him and his heirs for ever, as freely as any religious body in the whole realm of Scotland hold any church. Witnesses . . .

[*Earl Gilbert's grants to the canons of the tithe of his cains, etc., liberty to fish in his waters, and to take timber from his woods.*]

Earl Gilbert makes known that he has granted to Inchaffray and the canons, for himself and his heirs, in pure and perpetual alms, a tithe of all his cains, in wheat, meal, malt, cheese, flesh, beasts, and of all his hunting, and of fowl and fish, and all things used as food and drink. "Also victuals for their servant, whomsoever they shall place in our court for demanding and receiving on their behalf our aforesaid tithes, as fully and honourably as for one of our own servants. Also leave to fish in the Pow Water (*Peferin*) and in our other waters, where and when they wish. Also timber for the building of the construction of their buildings, and pannage and bark, and wood for fuel to be taken in our woods, where it seems to them most convenient, and as much as is needful for them." All the above to be possessed by them as freely as any religious body in

the whole realm of Scotland hold any alms. "This gift was made in the year from the Incarnation of our Lord 1200." Witnesses . . .

[Earl Gilbert grants to the canons leave for fishing and fowling. He grants second tithes as recounted before: also the right of cutting timber, and of pannage. He also promises that he and his heirs will not convey any land or let it for rent without securing the rights of Inchaffray.]

Earl Gilbert makes known that he has granted to Inchaffray, in pure and perpetual alms, for himself and his heirs, a tithe of all his rents (*firmarum*) and cains; and victuals for the canons' servant; also liberty for fishing and fowling through all his lands, waters, and lakes; also he grants from his woods, timber for their buildings and all other uses; and pannage and bark, and fuel. He also grants to the canons that neither he nor his heirs will in future make any grant of land, or let land for rent, without securing to the canons from such lands all the rights which were due to them while such lands were in the immediate possession (*domino*) of the earl. Wherefore if any one exhibits against them any charter for the purpose of maintaining that the canons ought not to claim or exact their right, the earl testifies that such charter is to be annulled. This grant was made in the year of grace, 1200. Witnesses . . .

ROBERT, FOURTH EARL OF STRATHEARN,
1220-1240

Of this earl, who was the son and successor of the founder of Inchaffray, almost nothing is recorded.

His term of office as earl passed away quietly. He assented, as patron of the See, to an agreement between the bishops of Dunblane and Inchaffray abbeys, dated August 1234: and he witnessed the treaty between the Kings of Scotland and England respecting Northumbred, *anno* 1237. This earl had issue:—

1. Malise, his heir.
2. Hugo, a monk, who in 1257 witnessed a charter of his brother, probably abbot of Inchaffray.
3. Gilbert, founder of the House of Durie.
4. Annabella, to whom Earl Malise granted a charter of Kincardine as her marriage portion, *anno* 1250. For this and a subsequent charter to Sir David Graham, presumably her husband, and Patrick Graham, see Hist. MSS. Com., Vol. II.
5. Maria, to whom Earl Malise granted a charter respecting natives of Strathy and Prowny, *anno* 1269. She granted an annuity to the abbey, ratified by her husband, Sir John Johnstone, in 1284.
6. Cecilia, to whom Earl Malise granted the lands of Keillour and Fowlis. These lands reverted to the earldom in 1369, in the time of Robert, the last High Steward of Scotland and Earl of Strathearn, for want of male issue, whereupon the High Steward granted Keillour to Sir James Douglas, Lord of Dalkeith.

MALISE, FIFTH EARL OF STRATHEARN, 1240-1271

This earl, who was the grandson of Gilbert, the third earl, founder of Inchaffray, was born between 1215 and 1220. It is recorded that in 1237 he gave the abbey the advowson of the Church of Cortachy (Forfarshire), in the diocese of Brechin. The right of the patronage in Cortachy was at a subsequent period,

early in the fifteenth century, in the hands of Walter Stuart, Earl Palatine of Strathearn. It was granted to him by the Duke of Albany, Governor of Scotland, in 1400, and in 1429 Earl Walter granted the patronage to the Dean and Chapter of Brechin Cathedral. Earl Malise sat in the Scottish parliament in 1244 and 1245, and was a guarantor of the treaty of 1244 by Alexander II. He was present at the coronation of Alexander III. at Scone, and was in the confidence of King Henry III. respecting the safety of the young queen of Scotland. He was one of the party allied to England which opposed the Comyns in 1255, and was one of the earls mentioned in King Henry's letter of 16th November 1260. Earl Malise married Marjory, daughter and co-heir of Robert Muschamp, before 1250, but the countess only survived till 1255. In that year the earl paid 100 pounds or 15 merks gold, for the custody of his daughter and her heirs, Muriel and Marjory. Before 1257 Earl Malise married Matilda, daughter of Gilbert, late Earl of Caithness, and thereby acquired the barony of Cortachy. He granted the Church of Cortachy to Inchaffray in 1257, at Crieff. In 1262 he and his third wife, Emma, are mentioned as owing 5 merks for unjust detention. This sum was owing in 1267.

This earl died in 1271, and left issue :—

1. Malise, who was sixth earl.
2. Robert de Strathearn, who in 1297 was committed to the Tower of London.
3. Muriel, who became the wife of William, Earl of Mar.
4. Marjory, who became the wife of Malcolm Graham, Lord of Dalkeith.

[*Grant of the advowson of the church of Cortachy.*]

Malise, earl of Strathern, makes known that, for the weal of his soul, etc., he has given to the abbot and convent of Inchaffray the advowson of the church of Cortachy in the diocese of Brechin. To be had and possessed in pure and perpetual alms, to wit, whatever a lay person can give and grant, without any diminution or reservation, as freely as any church in the realm of Scotland is held by the gift of an earl or baron. He binds himself and his heirs by his spouse Matilda, daughter of Gilbert, late earl of Caithness and Orkney, that they will ratify and defend the said gift. Grantor's seal. Witnesses . . . At Crieff, 12 December 1257.

[*Grant of a serf with his children.*]

Malise, earl of Strathern, makes known that he has given to the canons of Inchaffray in pure and perpetual alms, Gilmory Gilendes, his serf, with all his children (*tota sequela*). Warrantice. Seal of grantor. Witnesses . . . At Kenmore, 25 March 1258.

[*Grant of another serf with his children.*]

Malise, earl of Strathern, makes known that he has given to the abbot and convent of Inchaffray, in pure and perpetual alms, John called Starnes, son of Thomas, son of Thor, with all his children (*tota sequela*); and granted to Inchaffray all right and claim which he had in the said John or his offspring. He forbids any of his men molesting John or any of

his offspring. Seal of grantor. 9 May 1258. Witnesses . . .

[*Earl Malise commutes second tithes in kind into a payment in money.*]

M[alise], earl of Strathern, makes known that he and his heirs were bound by the gift of his grandfather, Gilbert, and the confirmation of his father, Robert, earls of Strathern, to the payment to the canons of Inchaffray of the tithe of all his rents and cains in wheat, meal, malt, grain, cheese, flesh, fish, fowl, venison, and all viands yearly used in his court, as in the charter and the confirmation of the aforesaid earls is more fully contained. And although the canons were for a long period in full and peaceable possession of the aforesaid tithes, yet they have very frequently complained that at times they have not received them in full through the fault of his (the earl's) bailies, wherefore because it is not right in any way to infringe the pious vows of parents, but rather to augment them, being mindful of Him who is the rewarder of all good deeds, he assigns, in place of the tithes which the canons were accustomed to receive in his court yearly before the year of our Lord 1247, twenty-four marks (twenty marks from rents at Dunning, and four marks from Abberufuin) during the life of his mother the countess: which marks, after her decease, he or his heirs would pay in another place, half at Whitsunday and half at Martinmas. All the other provisions of both his grandfather's charters and his father's confirmation were to remain in full force. He desires the canons' portion of tithes should increase as his goods increased. To prevent the canons in future being troubled by default of payment he submits himself

and all his goods to the jurisdiction of the bishop of Dunblane, so that he can compel him and his bailies, by the censure of the Church, to make full payment. His seal and the seal of Clement bishop of Dunblane. Witnesses . . .

[Six marks and four marks charged by Earl Malise on the rent of Abercairny for payment to the abbot and convent of Inchaffray.]

Malise, earl of Strathern, makes known that the abbot and convent of Inchaffray had been entitled to receive six marks sterling, in the name of the earl's second tithes, from the rent of the land of Ballenoleth in the shire of Fowlis, and at his earnest request they had patiently borne with the earl's conferring the land of Ballenoleth on his brother Sir G[ilbert], and so the earl remains bound to them in the said six marks, which for the future the religious shall receive from the rent of Abercairny at the hands of whoever held that land of the earl, to be paid half at Whitsunday and half at Martinmas. Moreover, since he was indebted to the said religious (1) in thirty-six pounds sterling, which he took from brother Hugh, then *terrarius* of the monastery, from the money which the late Roger de Colin, clerk, while living, gave to the fabric of the church of the monastery—and also (2) in ten pounds sterling which he received from the religious on loan (for which he had given letters obligatory), and likewise (3) in twenty-four marks sterling, being the sum of four times the six marks from the land of Ballenoleth, which had not been paid for four years, he grants for himself, his heirs and assignees the payment of four marks sterling yearly from the land of Abercairny till the whole debt is paid: the first payment to

be at Whitsunday, 1268. His seal. At Crieff, St. Ambrose's day [4 April] in the above year. Witnesses . . . Grants warrandice for the six marks.

[Grant of land by Malise, son of Earl Gilbert.]

Malise, son of the late Earl Gilbert, knight, makes known that out of charity, and for the weal of his soul and the souls of his ancestors, and of his son Malise, and his heirs, he has given to the abbot and convent of Inchaffray in pure and perpetual alms that portion of land in his holding of Rossie, by those marches by which, in the presence of men worthy of credit, he perambulated it. [Here follows a description of the boundaries.] The portion of land contains three acres and more. To be held in pure and perpetual alms, with pasture for twelve kine, twenty sheep, and one horse, together with the easement of taking from the peat-moss every year twenty cart-loads (*karucas*) or, if they prefer it, eighty horse-loads of peats, with all other easements within and without the vill. Warrandice. His seal. Witnesses . . .

MALISE, SIXTH EARL OF STRATHEARN, 1271-1312

Malise was born in 1257, and succeeded to the earldom in 1271. One of his gifts was to grant the advowson of the Church of Strowan to Inchaffray Abbey. In 1283 he granted annuity from Dunning and Pitcairn, conform to an agreement to compensate the abbey for loss of tithes. On 15th January 1285 Pope Martin IV. addressed a letter to Malise as patron of the See of Dunblane, from Perugia, stating that William, Abbot of Arbroath, was consecrated

bishop. Earl Malise assented to a decision that the patronage of the vicarage of Strageath belonged to the abbey, *anno* 1287. In 1290 it is recorded that he rendered his account as farmer of the burgh lands of Auchterarder.

This earl took a leading part in the affairs of State, and was a party to the treaties between Norway and England, which preceded and followed the deaths of King Alexander and the Maid of Norway, and her supporters, and the claims of John Baliol to the throne. In 1291 Earl Malise did homage to Edward at Stirling and was at Berwick in 1292, when judgment was given in favour of Baliol. On 24th January 1291 Lady Marie, Queen of Man and Countess Dowager of Strathearn, also did homage. In 1293 the earl gave his daughter, Matilda, aged twenty, in marriage to Robert Toeny, son of Ralph. The marriage settlement is dated at Lindores, 26th April 1293. The wife of Malise was Marjory, sister of John Comyn, Earl of Buchan. The earl again swore fealty to Edward at Stirling and Berwick in 1296. According to the *Scala Chronica* he was one of those taken prisoner to England that year, after which he attended at the English Court. In 1297 he informed King Edward that he had taken Macduff and his two sons prisoners. It is recorded that he was with the English army at Perth, and dined with the Prince of Wales in 1303. Malise was unfortunately taken prisoner, sent to Rochester Castle, delivered to Aymer de Valence, and by him delivered to the Sheriff of York. The countess was permitted to join her husband, her son being a prisoner in Carlisle. In 1308 the earl was indicted and tried at Westminster, but was acquitted, and he was in receipt of an English pension up to his death in 1312. He was interred in Inchaffray, and left issue :—

1. Malise, by Marjory Comyn, who became seventh earl.
2. Gilbert, not improbably the eldest son, afterwards, in 1297, a prisoner in England, but evidently treated with consideration, for he was living with King Edward's van in July of that year, and possessed, it is said, a beautiful black horse which Edward took and paid for. He went to Flanders with the king as an esquire.
3. Matilda, married to Robert Toeny.¹

[Earl Malise III. declares that no prejudice to the immunities of the monastery should be created by a special act of favour.]

Malise (III.), earl of Strathearn, makes known that, although "the religious of our monastery of Inchaffray" rendered succour to him with their men for maintaining the peace and tranquillity of the kingdom after the death of Alexander III. king of Scots, he desires that, because of this act of courtesy, done as a special favour, no prejudice should be created as regards the obligations of the religious, nor their act be drawn into custom, inasmuch as by the infestment granted by his ancestors, earls of Strathearn, the religious community were wholly free from exactions of this kind. Seal of grantor. At Inchaffray, the morning of Whitsunday, 1287.

¹ There is a marriage recorded in 1268, of Malise to Marie, widow of Magnus, King of Man, and daughter of Eugenius de Argadia, but whether the sixth or seventh earl is uncertain. This lady afterwards married Hugo, or Hugh of Abernethy, who died in 1296. She did homage to Edward in 1291 and 1296, and in 1299 is described as wife of William Fitzwaren, and died in 1305.

[*Settlement of a dispute as to the patronage of the vicarage of Strageath.*]

Malise (III.), earl of Strathearn, makes known that when the vicarage of Strageath had become void through the death of Master Richard of Stirling, late vicar of the place *de jure et de facto*, W[illiam], bishop of Dunblane, believing that it belonged to him of right to confer the vicarage, had, at the request of the earl, conferred it *de facto* on John of Legirdwode, the earl's chaplain. Thereupon the religious men of Inchaffray immediately raised the objection that by the bounty of former earls of Strathearn, the grants of bishops of Dunblane, and the special confirmation of the chapter of Dunblane, they were the true patrons, and that the right of presenting to the vicarage belonged to them; and this they clearly showed in the presence of the bishop of Dunblane, the abbot of Cambuskenneth, the archdeacon of Dunblane, and others [named] by exhibiting the public instruments, sealed, of the earls, the bishops, the chapter, confirmations from the Apostolic See, and also by the evidence of very many persons worthy of credit. The bishop of Dunblane, after conference with the earl and the clergy of the cathedral, decreed and publicly pronounced in favour of the claim of the monastery. And on the presentation of John of Legirdwode by the monastery, he admitted him to the said vicarage and caused him to be put in actual possession of the same. [The bishop's letter to this effect, dated Arbroath, Sunday, the feast of St Matthew (21 Sept.) 1287, is recorded in full.] And that all the above, as to the right of the said religious with respect to the vicarage, may be held in memory for ever, the seal of the earl and the seals of the above witnesses are appended.

"Given at Kenmore, Sunday [28 Sept.] next before the feast of St Michael the Archangel [29 Sept.] A.D. 1287."

MALISE, SEVENTH EARL OF STRATHEARN,
1294-1333

This was the son of the previous earl, and was born in 1280. He was a hostage in England between 1297 and 1307: a prisoner in the Tower of London in 1298, and in Carlisle in 1307. He had a grant of four casks of wine in January 1310, and was in receipt of an allowance from the English king at that date. He was earl when he granted Abercairny to his daughter and her husband, and he was one of the nobles who signed the letter to the Pope in 1320. He also witnessed a royal charter to Sir William Olifard, 20th March 1326, at Scone. After this date it is uncertain what became of him, as there are no records. He or his son was in possession of part of the earldom of Caithness in 1331, according to an entry in the Chamberlain Rolls, and it is asserted that he was slain at Halidon Hill in 1333.

It is said that the earldom was forfeited or resigned to Edward Baliol before the battle. The first wife of the earl was a daughter of the Earl of Orkney, but he married, secondly, in 1323, Johanna, daughter of Sir John Menteith, who was dead in 1323. The earl granted her the barony of Cortachy, and his grant was confirmed by King Robert. The countess, after the earl's death, married John, Earl of Atholl.

In the siege of Perth in 1311, by Robert Bruce, the English garrison holding the town was under the command of Sir William Oliphant and the Earl of Strathearn, and they made a brave resistance. Bruce eventually captured the town by stratagem.

He spared the lives of the English garrison but the Scots who had gone over to Edward were slain. Malise, Earl of Strathearn, was taken prisoner, it is said, by his own son, who fought under Bruce, but this son predeceased his father. The earl renewed his allegiance to Bruce, was pardoned and received into favour. The name of this earl appears in a letter to the Pope in 1320 along with many others asserting on behalf of the king the independence of Scotland.

The same year there was a conspiracy against the life of Bruce, led by Sir William Soulis, and Brechin, instigated, it is supposed, by the English king. The Countess of Strathearn, daughter of Sinclair, Earl of Orkney, who had been made privy to the plot, made up her mind to disclose it. The result was that the conspirators were immediately arrested, tried before the Scottish parliament, and most of them executed. Sir William Soulis and the Countess of Strathearn were condemned to perpetual imprisonment, a punishment which the lady had no right to expect seeing she disclosed the plot. Soulis shortly after died in prison in Berwick, and the unfortunate Lady Strathearn died in prison some months afterwards. The parliament at which these trials and condemnations took place was held at Scone in August 1320, and was long remembered as the "Black Parliament." This lady was the wife of Malise, seventh earl. He married, secondly, Marjory, daughter of Robert de Muscamp, but left no issue.

The issue of Malise, seventh earl, was :—

1. Malise, his successor.
2. Maria, who became the wife of Sir John de Moravia of Drumsagard, to whom her father granted a post-nuptial charter, 1319-1322, of the lands of Abercairny. This grant was confirmed by the brother of the last earl in 1330.
3. A daughter, named Jean.

MALISE, EIGHTH EARL OF STRATHEARN, 1333

Malise was born in 1315, and was the last Earl of Strathearn of the Celtic line or line of Earl Gilbert, founder of Inchaffray. He is described as a notorious rebel by King Edward, and thoroughly opposed to Edward Baliol. The earl had the courage, during that turbulent period, to assert himself as King of Scotland, and actually maintained the position from Halidon Hill in 1333 down to 1338. It is recorded that the whole gentry of Strathearn supported him. He retired to his northern possession, the Caithness earldom, after in vain attempting to recover the family earldom of Strathearn, which was forfeited by his father, and which Edward Baliol in 1332 gifted to John Warenne, Earl of Surrey, although it is not clear that Warenne ever entered into possession of it. At a parliament at Scone, June 1344, Malise was accused by Robert Montalent, but it was found and decided that he had already been tried and acquitted of felony and treason. Having resigned the earldom into the hands of Baliol, he had ceased to be earl, and the earldom fell to the crown. King David granted it to the Lady Jean, sister of Malise, and to Sir Maurice Moray, her husband.

Earl Malise died in 1353, and had issue by his first wife, Matilda, who afterwards was married, and had a son, Alexander, who resigned his rights in the earldom of Strathearn to King Robert.

Earl Malise married, secondly, Marjory, daughter of Hugh, Earl of Ross, styled Count of Caithness and Orkney, by whom he had issue, two daughters, Agneta and Isabella, who were both married.

During the minority of David II. Malise opposed

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Edward Baliol with all his interest, and when Baliol obtained the crown Malise was for his opposition attainted and his estates in 1332 given to John de Warenne, Earl of Surrey, as just stated. Warenne was one of the nobles who witnessed Baliol's surrender three months thereafter, but David II. persistently refused to recognise Warenne as Earl of Strathearn. In 1339 Malise, the eighth earl, whose wife, the Lady Marjory, was dead, married, thirdly, Johanna, widow of John Campbell, Earl of Atholl, but left no issue.

Mary, daughter of Malise, the seventh earl, married Sir John Moray of Drumsargard, who got with her the lands of Abercairny, afterwards confirmed by charter from Malise. The issue of this union was Sir Maurice Moray, who became ninth Earl of Strathearn. In 1343 Sir Maurice Moray of Clydesdale received the earldom from David II. Sir Maurice fought gallantly at the siege of Perth in 1339.

Johanna, Countess of Strathearn from 1358 to 1369, had an annuity of 10 marks from the mills and fishings of Dundee. She was a daughter of Sir John Menteith and Ellen of Mar, and widow successively of Malise, Earl of Strathearn, John Campbell, Earl of Atholl, and Sir Maurice Moray of Drumsargard, who had the earldom of Strathearn conferred upon him.¹

Sir Maurice Moray, ninth earl, fell at the battle of Durham in 1346, when King David was taken prisoner, and leaving no issue, the earldom became dormant until in 1357 Robert Stuart, Earl of Atholl, was created tenth Earl of Strathearn. He was the High Steward of Scotland and afterwards Robert II. In 1370 he succeeded his uncle, David II., as king of Scotland, when the earldom merged in the crown.

¹ Exchequer Rolls.

In 1371 David Stuart, eldest son of Robert II. by Euphemia Ross, paid homage to the king at Scone as eleventh Earl of Strathearn, and the same year was granted a charter conveying the earldom to him, and erecting it into a county palatine—that is, bestowing on the earl a royal jurisdiction and royal powers. This earl died during the regency of his brother, the Duke of Albany. The charter, which was in the following terms, is the earliest existing charter we have concerning this earldom :—

“Robert by the grace of God etc. :—Know ye that we have granted unto David Stuart, Knight, Earl of Strathearn our dear son, the Earldom of Strathearn with the pertinents to have and to hold to him and his heirs in all things according to the terms of the Charter to him thereby made with the addition underwritten that he and his heirs may have and hold and possess for ever the said Earldom, in free regality with fees and forfeitures, and with all other liberties, commodities, easements, and just pertinents whatsoever, which to a free regality pertain and ought to pertain according to the laws and customs of the realm as freely, quietly, fully, entirely and honourably in all things as the late Malise Earl of Strathearn or any other Earl of the same, at any time more freely, quietly, fully, entirely and honourably and justly held and possessed the same Earldom with appurtenances. Wherefore to all and singular of the said Earldom and others whom it doth concern, we give in command for us and our heirs by the tenure of these presents, that the answer to the said Earl and his heirs and these things which with a free regality pertain; like as unto them and all of them it pertaineth, and do cause it to be answered by others in time to come. Given at Edinburgh 19th June in the first year of our reign 1371.”

[Robert, earl of Strathearn, grants forty-two marks from the thanage of Dunning, as of old.]

Robert, Steward of Scotland, earl of Strathearn, to all his mairs of Dunning. In his court, held at Crieff, 8 May 1358, the charters and muniments of the abbot and convent of Inchaffray, as to a yearly payment of forty-two marks from the thanage of Dunning, were inspected. After careful deliberation he has given state and possession of the said annual payment to the religious aforesaid, as of old. And he commands all and each of his mairs to cause the payment to be made at the usual terms according to ancient custom, and to compel the tenants of the thanage to pay the proportion due from them. He will punish default of their duty on the part of the mairs. Seal of the earl. At Methven, 13 May 1358.

[Confirmation of charters by Robert, earl of Strathearn.]

Robert, Steward of Scotland, earl of Strathearn, makes known that in his court held at Crieff, 8 May 1358, he had inspected the charters of the abbey relating to the annual revenue of forty-two marks from the thanage of Dunning given to the abbey by Malise the first (Malise II.) and Malise the second (Malise III.), earls of Strathearn, which charters he ratifies in all particulars. Seal of the grantor. At Perth, St John Baptist's day [24 June], 1358. Witnesses . . .

In 1388, on the occasion of the battle of Otterburn, the main body of the Scots army, under the Earl of Fife, the king's second son, with Archibald Douglas of Galloway, the Earl of Strathearn and others,

marched through Liddesdale to Carlisle in one division; while the second division, under the Earl of Douglas and others, went by the Eastern Marches *via* Newcastle.

Earl David received the Castle of Braal in Caithness 21st March 1375 and was created Earl of Caithness between that date and 28th December 1377, when he is styled Earl Palatine of Strathearn and Caithness.¹

Euphemia, *suo jure* Countess Palatine of Strathearn, only daughter and heir of Earl David preceding and granddaughter of Queen Euphemia, succeeded her father in the earldom. In 1390 she resigned the Caithness earldom in favour of her uncle, Walter, Earl of Atholl, and in 1406 married Sir Patrick Graham of Kilpont in Dundaff, eldest son of Sir Patrick Graham of Kincardine, and married, secondly, Sir Patrick Dunbar of Bele. Her first husband became twelfth Earl of Strathearn in right of his wife. He was taken prisoner at Homildon Hill in 1402, and was in 1413 slain by his brother-in-law, Sir John Drummond, at Crieff. He left one son and two daughters. Malise, his son and heir, succeeded as thirteenth earl in 1413. He as Earl of Strathearn was one of the hostages in 1423 for the ransom of James I. He married Anne Vere, daughter of the Earl of Oxford. By James I., in 1428, he was unreasonably divested of the earldom on the pretence of its being a male fief and not transferable through females. This unwise step led to James' assassination. He was created, in exchange for it, Earl of Menteith, a dignity that had been forfeited in 1425. Malise was thirty years a hostage in England, entered on the earldom of Menteith in 1453, and died in 1492 at an advanced age.

Walter Stuart, Earl of Atholl, and uncle to the

¹ *New Peerage*, Balfour Paul.

king, was on 22nd July 1427 created Earl Palatine of Strathearn for life, or fourteenth earl. He was great-uncle of the deprived Earl Malise, being younger brother of David, Earl of Strathearn, and son of Robert II. He became one of the leading conspirators for the assassination of James I., and was executed in the same year for that crime, when the lands and title were forfeited, never again to be restored.

Nisbet states that he has seen the seal of Euphemia, Countess of Strathearn, appended to a charter of 1389, where she is designed :—"Eupham ; Senescal ; Cometissa Palatina de Strathearn," on which was the representation of a woman holding by each hand a shield—that on the right was charged with two chevrons for Strathearn ; that on the left a fess cheque for Stuart.

It is doubtful, from the history of this earldom, whether it was ever enjoyed by a female before it fell to the crown by forfeiture in the reign of David II. in 1346. The earldom of Menteith had always been a female fief, the dignity having been inherited or enjoyed by no less than four females ; and Mordac, Duke of Albany, inherited it from his mother.

Malise, thirteenth Earl of Strathearn, who died in 1492, left issue, three sons. From the eldest descended the Eärls of Menteith and Airth.

The Earls of Fife and Strathearn seem to have been amongst the most influential of the old Gaelic, mormaers, the former always staunch supporters of the reigning family, of which perhaps, like the Earl of Atholl, they were a branch—for both these earldoms, connected with the monasteries of Dunkeld and St Andrews, were originally in the crown : whilst the latter, who were "Palatines," exercised the privileges of a regality within their earldom. Beatrice, the eldest daughter of Malcolm II., carried her claims to

the line of Atholl by her marriage with Crinan of Dunkeld, ancestor of the Atholl family.¹

And so this ancient earldom passed out of existence. It was an earldom that in its day exercised a powerful influence on the political history of Scotland, and in ordinary circumstances would have been revived by the successor of James I. But unfortunately James II. was a mere child at his father's death, and his fatal accident at the siege of Roxburgh Castle, just as he had reached manhood, no doubt was a factor in confirming the extinction of this earldom. The narrative we have given has many points of interest, but one thing is conspicuous—*e.g.* the want of fuller recorded details to enable the historian to make up a more ample and more satisfactory record of one of the most famous of all our ancient nobility.

¹ Robertson's "Early Kings."

THE EARLDOM OF MENTEITH

THE earldom of Menteith takes us back to an early period in the history of Scotland, even to the first half of the twelfth century, when the first Celtic or Scottish earls were created. The lands and territories in connection with this earldom were not only beautiful and picturesque, they were of great extent, and comprehended the lands west of the Ochils in Perthshire. The district comprising the earldom was about twenty-eight miles in length from east to west, and fifteen miles in breadth, and included what are now the parishes of Callander, Aberfoyle, Port of Menteith, Kilmadock, Kincardine, and part of Dunblane and Logie. The Earls of Menteith resided on the Lake of Menteith, on one of the islands. The lake is a beautiful sheet of water in the heart of the earldom, about seven miles in circumference. There are two islands in the lake, called respectively Inchmahome and Talla. On the former there was once a priory, some of the ruins of which are still visible, and the island has been made famous by its being the residence for twelve months of Queen Mary and her court when Mary was a child. On the latter island, called Inchtalla, was the residence of the earls. The priory is supposed to have been founded by Edgar, King of Scotland, 1097-1107, and had four chapels, and was in its day frequented by some of the Stuart sovereigns, exclusive of its being the temporary residence of Queen Mary. The chapel of Inchmahome was dedicated to Colman of Dromore,¹ who died about 1175.

¹ Skene.

With one or two notable exceptions, the Earls of Menteith were not men of marked ability. One of the principal was Walter Comyn, fourth earl, one of the great family of Comyn of Badenoch who afterwards were paramount in Scotland. This earl distinguished himself by many heroic deeds at a very dark period of the national annals. He was struck down in an unexpected manner by a deadly poison, supposed to have been administered by his wife, for reasons which are stated in the narrative. His brother-in-law, Walter Stuart, son of the High Steward of Scotland, succeeded him; he was a man of outstanding ability, and for thirty-eight years administered the earldom. He was eventually taken prisoner at the battle of Dunbar, and afterwards put to death.

At that period, the reign of Edward I., there was nothing but civil war with England, and the most determined efforts were made by that king to reduce Scotland to a dependency. This pitiable and unsettled state of the kingdom continued until 1314, when the memorable defeat of the English at Bannockburn secured peace for a considerable time.

The earldom of Menteith lasted to the close of the seventeenth century, and from the following Kalendar the reader will be materially aided in forming some idea of its nature and history :—

KALENDAR OF THE EARLS OF MENTEITH

	Held Earldom.	Died.	
Mordac, First Earl . . .	Uncertain.	Between 1124-1153	
Gilchrist, Second Earl . . .	Uncertain.	Between 1153-1214	
Maurice, Third Earl . . .	17 Years	1230	
Walter Comyn, son-in-law . . .	27 Years	1258	
Walter Stuart, his brother-in-law . . .	38 Years	1296	Born 1219.
Alexander . . .	10 Years	1306	
Sir Edmund Hastings, Joint Earl . . .	14 Years		1298 to 1314.
Alan, son of Alexander . . .	3 Years	1307	Born 1280.
Sir John Hastings, Joint Earl . . .	8 Years		1306 to 1314.
Sir John Menteith . . .	Temporary period.		
Mordac, brother of Alan . . .	16 Years	1334	
Sir John Graham . . .	12 Years	1346	
The Countess Mary . . .	25 Years	1371	
Lady Margaret Graham . . .	9 Years	1380	Born 1334.
Robert, son of Robert II. . .	48 Years	1420	Born 1340.
Mordac, his son . . .	5 Years	1425	Born 1362.
Malise Graham (new line) . . .	63 Years	1490	In captivity 30 years.
Alexander, his grandson . . .	33 Years	1536	
William, Third Earl . . .	8 Years	1543	
John, son of William . . .	20 Years	1569	Born 1565.
William, Fifth Earl . . .	8 Years	1577	
John, Sixth Earl . . .	11 Years	1598	Born 1522.
William, Seventh Earl . . .	51 Years	1661	Born 1588.
William, Eighth and last Earl . . .	33 Years	1694	Without issue.

(These figures are subject to correction.)

When James I. deprived Malise Graham of the earldom of Strathearn and gave him in lieu thereof the earldom of Menteith, the latter earldom was split up into two parts. James reserved to the crown the eastern part of the old earldom along with Doune Castle; and this formed what was called the stewartry of Menteith. The Charter of Erection of

the new earldom, dated 1427, which comprised the western portion of the old earldom, enumerated the lands included which extended from the Lake of Menteith westward. Inchtalla, not being in the stewartry, became the residence of the earls, where, according to a reliable modern writer,¹ the Grahams resided for upwards of two centuries and a half.

According to a standard authority² the earldom of Menteith was created by David I. between 1124 and 1153; and Mordac is supposed to have been the first earl. According to the same authority Mordac was succeeded by Gilchrist. These two earls we practically know nothing about. Gilchrist, Earl of Menteith, is so designed in a charter of a donation to the monastery or abbey of Scone by Malcolm IV., successor to David I., dated 1164. This charter provided for the restoration of the abbey or monastery, which had been destroyed by fire, and states that the abbey is situated in the chief seat of the government. Scone was at that period the ecclesiastical capital. Gilchrist was a witness to a charter of William the Lion, dated 1178, signed at Traquair. The date of his death is not recorded, but he is said to have left two sons; and curiously enough both were named Maurice. This is explained by the earl having been twice married. The two sons quarrelled over the earldom; evidently the elder son had been born out of wedlock. The litigation went on for a considerable time, and William the Lion eventually gave the earldom to the younger son, the elder getting other lands and possessions. Maurice, the younger, therefore by this ordinance of the king became the third Earl of Menteith. Passing on to 1261, King Henry III., we find, certified that he had seen a charter by Alexander,

¹ A. F. Hutchison, M.A.

² *Douglas' Peerage.*

son of William the Lion, being a convention between the brothers settling the dispute. The charter was signed at Edinburgh on 6th December 1213, in presence of Alexander, son of the king, and Gilbert and Malcolm, Earls of Strathearn and Fife. It is recorded in the Chartulary of Cambuskenneth that this Earl Maurice was Sheriff of Stirling. Along with the Earls of Atholl and Strathearn he, in 1214, attended William the Lion's funeral from Perth to Aberbrothock. He was also among those who took part in the coronation of Alexander II. at Scone the same year.

Earl Maurice died in 1230, and his son-in-law, Walter Comyn, who married the Lady Isobel, his eldest daughter, succeeded him as fourth earl. Earl Maurice had no sons, but two daughters; the younger married Walter Stuart, who became fifth earl. Walter Comyn was one of the most distinguished men of his time. In 1238 he extended or practically founded the Priory of Inchmahome, on the Lake of Menteith. He is also recorded to have built Hermitage Castle in Liddesdale, and Dalswinton in Galloway. He was much about the king's court and witnessed many charters, including those of Balmerino and Newbattle. Walter, after the death of his father the Earl of Buchan in 1233, was the leader of the so-called national or patriotic party in Scotland and was one of the regents of the kingdom during the minority of Alexander III. He took an active part in the direction of the coronation proceedings of the young king at Scone on 13th July 1249, and strongly urged the danger of delaying the coronation, as Henry III. was intriguing at Rome to procure an interdict against it, pointing out that the young king being his liegeman (and afterwards son-in-law) should not be anointed and crowned without his permission; and he proposed that the Bishop of St Andrews

should knight and crown the young king. These arguments prevailed, and no delay took place, the king being crowned by the Bishop of St Andrews on 13th July, five days after his father's death. The marriage of Alexander III. with the Princess Margaret of England took place on 20th December 1251, and was solemnised at York.

The Comyns and John Baliol assumed the chief management of public affairs in Scotland, and the English king, as usual, was endeavouring to get the kingdom into his power. The Comyns were opposed by a faction led by the Earls of March, Strathearn, and Carrick, Alexander, the High Steward of Scotland, and Alan Durward, the Justiciary. This faction was supported by Henry III. While the Comyns were preparing to hold a parliament at Stirling these nobles, in 1255, surprised Edinburgh Castle and captured the young king and queen, who were taken to Roxburgh Castle, where Henry III. met them by arrangement. Here a deed was drawn up by the crafty English king for the government of Scotland. The Comyns were removed and these nobles put in their place and appointed regents of Scotland, the arrangement to last seven years. The Bishop of St Andrews, the Chancellor, and the Earl of Menteith refused to affix their seals to this deed, which it would appear only lasted two years. Mary de Couci, the queen dowager, and John de Brienne, her second husband, espoused the cause of the Comyns.

The Comyns availed themselves of the troubles of the time, declared that the party in power, the English faction, had shamefully mismanaged the affairs of state, and that the kingdom would soon be laid under a papal interdict. They became popular and announced themselves as the national party, rose in arms and refused to acknowledge the new regents. Meanwhile Walter Comyn, Earl of Menteith, seized

the young king and queen at Kinross, where the court was being held (28th October 1257), and determined to overturn the English rule. He carried them to Stirling, maintained his position by force of arms, and ultimately scattered the English troops, Durward making his escape to England. Soon after this a new regency was formed, the government being in the hands of the queen dowager, the Earl of Menteith, and the Comyns, a very powerful regency. A mysterious calamity, unfortunately, befell the brave Menteith at this date. Evidently he and the countess had not been living on good terms. He died very suddenly in 1258, after twenty-seven years of married life, having been cruelly poisoned, it is said, by his own wife. This lady, whose conduct cannot be defended, was denounced by the people, and the crime was in due course practically proved against her. Immediately after the earl's death she married an English knight, Sir John Russell, and this increased the suspicion against her. She and Russell were promptly put in prison, deprived of the earldom and estates, and ultimately expelled from the kingdom. This lady (Isobel, Countess of Menteith) in 1260 applied to Henry III. to replace her in her lands and estates, but nothing came of this negotiation; she died in 1276.

In the reign of Alexander III. there were three Comyns earls—viz. Menteith, Buchan, and Atholl. The Comyns originally came from France with William the Conqueror in 1066, and Robert Comyn was then created Earl of Northumberland. His youngest son William was Chancellor to David I. Walter, afterwards Earl of Menteith, accompanied the king in 1200 to meet King Henry III. at York. It was on his acquisition of Badenoch, in 1230, that he married Lady Isobel, Countess of Menteith, daughter of Earl Maurice. Lady Isobel, their only daughter,

married her cousin, Sir William Comyn of Kirkintilloch, about 1373. Sir William became chief of the family after the death of his father, John.

On the death of Walter Comyn, Earl of Menteith, without male issue, trouble arose as to who was to be the next earl. This became the subject of protracted litigation, and eventually the king and parliament divided the earldom between Walter Stuart, the late earl's brother-in-law, who got the title and half the lands, and gave the other half to Sir William Comyn in right of his wife. Walter Stuart, who married the Lady Mary, Countess of Menteith, daughter of Earl Maurice, was third son of Walter, fifth High Steward of Scotland, and was born in 1219. In 1263 he along with his retainers and vassals suppressed an invasion by the Danes, and at the battle of Largs the same year he materially assisted the king and his brother Alexander, now the High Steward, in defeating the Norwegians under King Haco, and in restoring peace between the two nations. In 1281 Walter and his countess travelled to Norway in the suite of the Princess Margaret, daughter of Alexander III., and attended her marriage with Eric, King of Norway, as also her coronation. Walter was one of the witnesses to the marriage-contract between the Princess Margaret and King Eric, which was signed on 25th July 1281, at Roxburgh Castle. The issue of this marriage was the infant Margaret, known as the Maid of Norway. The right of the child to the crown of Scotland was questioned by a powerful faction of the Scots. At a meeting of the Scottish parliament at Scone on the 11th April 1286, the claims of Bruce and Baliol were strongly advocated. After this meeting there was a convention of the nobles in September following at Bruce's castle of Turnberry, in Carrick, for the purpose of supporting Bruce's title to the crown as the descendant of David,

Earl of Huntingdon, brother of William the Lion. At this meeting there were present, in addition to Bruce, Patrick, Earl of Dunbar, and his three sons, Walter Stuart, Earl of Menteith, the Earl of Carrick (Bruce's son), James, the High Steward of Scotland, John his brother, Angus, Lord of the Isles, and Alexander his son. This meeting entered into an agreement by which they bound themselves to adhere to one another on all occasions and against all persons. These nobles were opposed to the succession of the Maid of Norway.

Walter was present at the council held at Scone on 5th February 1283, and affixed his seal to the declaration subscribed by the nobles, that in the event of King Alexander dying without further issue the Maid of Norway would be accepted as sovereign. The earl, however, eventually joined Bruce's faction, and signed the Turnberry Bond of 1286; the little maid died in 1290. On the trial of the rival claims of Bruce and Baliol in 1291, Walter was appointed by Bruce one of his representatives to debate his claims before Edward I. as preferable to those of John Baliol. Edward called the Norham Conference for 3rd June 1291, when he declared himself Lord Paramount of Scotland. The Scottish nobles who attended this convention were astounded, declared their ignorance of this position assumed by the English king, and would give him no answer. "By Holy Edward!" cried he, "whose crown I wear, I will either have my rights recognised or die in the vindication of them." He thereafter issued writs for the convocation of his army. It is recorded that on 11th June following, the four regents of Scotland delivered the kingdom into the hands of Edward, and that on their swearing fealty to him he reappointed them. It is further recorded that Bruce, Baliol, the Earls of Menteith, Atholl, Angus and others, followed

them in taking for the time an oath of homage to Edward.

Sir William Comyn died without issue in 1291, and by command of Edward I. his widow in 1293 married Sir Edward Hastings, and Hastings by this event inherited Sir William Comyn's half of the Menteith estates. At the death of this lady all connection between the Comyns and Menteith ceased. In 1290 Walter, Earl of Menteith, gave a charter of certain lands to the Abbey of Kilwinning for the salvation of the soul of the Lady Mary, his wife, Countess of Menteith.¹

In 1296 the Scottish nobles, incensed at the war-like conduct of the English at Berwick, marshalled their troops under the command of the Earls of Atholl, Menteith, and Ross, and again made an inroad into England, laying waste the country; and it is stated that the flames of towns and villages, and the ashes of the ancient monasteries of Lanercost and Hexham, marked their destructive progress. Patrick, Earl of Dunbar, served under the army of Edward, while the countess was the keeper of Dunbar Castle, though she hated the English. Atholl, Menteith, and Ross entered into an alliance with her and expelled the English from the castle. Hearing of this unexpected event, Edward despatched the Earl of Surrey with 10,000 troops to punish the Scots. This resulted in the battle of Dunbar, when the Scots were defeated, and these three earls taken prisoners and compelled to submit to Edward. Sir Patrick Graham of Montrose, one of the leading barons, fell in this engagement. Walter Stuart, Earl of Menteith, who was captured by the English, was cruelly put to death in cold blood by command of Edward. The earl was in the seventy-sixth year of his age. His countess, Mary, predeceased him in 1286. They were

¹ Red Book of Menteith.

interred near the high altar in the Priory of Inchmahome. A recumbent statue of each was erected in the centre of the choir of the Priory, the lady's arm encircling her husband at the neck, with this inscription :

“The steel-clad Stuart, Red Cross Knight
Menteith, his countess fair and bright
Here live in sculptured stone.”

Walter and Mary left two sons, of whom Alexander succeeded, in 1296, as sixth earl. The second son was John, afterwards Sir John Menteith, the alleged betrayer of Wallace. They dropped the surname of Stuart and adopted Menteith. Alexander, before he succeeded to the earldom, attended a parliament of Alexander III. at Scone in 1283, in connection with the Maid of Norway negotiations, and in 1286, along with his father, signed the Turnberry Bond. Alexander swore fealty to Edward at Norham in 1291.

In 1292 Alexander, Earl of Menteith, was appointed by Baliol guardian of the estates of Alexander of Abernethy (in minority), but nothing of importance is recorded of this earl. At the battle of Dunbar in 1296 he was taken prisoner and sent to the Tower of London, where he was detained three months. He again took the oath of fealty to Edward at Berwick the same year, swearing allegiance to him and his heirs. Two of his sons, Alan and Peter, were on his release detained as hostages by the English king. Some years after, or in 1306, Earl Alexander was taken prisoner at the battle of Methven, by Edward, deprived of his estates, and after an unfortunate career died in captivity. He was, along with his wife, the Countess Matilda, interred, it is believed, at Cambuskenneth, and is recorded to have left issue three sons, of whom Alan, the eldest, succeeded him.

Alan, afterwards Earl of Menteith, was born in

1280, and succeeded his father at a time when the factions of Bruce and Baliol were striving for the crown. After the assassination of Comyn in the Church of the Minorites at Dumfries in 1305 Bruce called a meeting of his supporters at Lochmaben Castle in order to discuss his prospects, when Bruce intimated his determination to seize the crown of Scotland. This meeting was attended by Alan, Earl of Menteith, Nigel Campbell of Lochow, and many others. Bruce was strongly supported and, notwithstanding all opposition, was crowned at Scone on 27th March following. At the siege of Perth, which took place shortly after (1306), Alan, Earl of Menteith, was captured by the troops of Pembroke, the English governor of Perth, and his lands confiscated and given to Sir John, brother of Sir Edmund Hastings (who married Lady Isobel Comyn). Alan, whose health evidently broke down under his treatment, died in captivity. Sir Edmund and Sir John Hastings now held the entire earldom and continued to do so for some years. When Bruce succeeded to the crown, or more probably at Bannockburn, these two brothers were dismissed from the earldom. It then passed into the hands of Sir John Menteith of Ruskie, uncle of Alan, who held it until Alan's brother Mordac succeeded. Mordac was only allowed to hold it until the Lady Mary, only child of Alan, got married. It is not known whether Mordac was married, but there is reason to believe that Alice, Countess of Menteith, a recipient of the bounty of Edward III., was his wife. Mordac was taken prisoner at Dupplin in 1332, and fell at Halidon Hill in 1334. Some writers say he was slain at Dupplin, but this is not confirmed.

Sir John Graham, the next earl, was son of Sir Patrick Graham of Kincardine, who fell at Dunbar in 1296. Sir John, who in 1333 married Countess

Mary of Menteith, held the earldom twelve years. He accompanied David II. to the battle of Durham in 1346, was captured there, and afterwards executed by order of Edward III. A commission was appointed for the trial, but the sentence to be pronounced was sent from Calais by Edward III. and his council. The Countess Mary continued to possess the earldom, duly administered it, and took an active part in the settlement of feuds at that time. She possessed extensive estates, and granted charters of land to Sir Colin Campbell of Lochow. By one charter she granted to Archibald, son of Sir Colin, all her lands of Kilmun (Argyllshire), to be held of herself and her heir for payment of a pair of Parisian gloves at the Fair of Glasgow, if same asked for.¹ This lady died about 1371 and left an only child, Lady Margaret Graham, who became Countess of Menteith, and during her short life married no less than four husbands. Lady Margaret at the age of fourteen married Sir John Moray, Lord of Bothwell, son of Sir Andrew Moray, who was regent under David II. He lived only three years after his marriage, and left no issue. Six months after Moray's death the Lady Margaret married Thomas, tenth Earl of Mar, obtaining a dispensation from Pope Clement VI. The document was lost, and the marriage took place without it, but another was granted by Pope Innocent IV. in 1354. This earl divorced his wife because of no issue, and married another, but he was again disappointed. The Lady Margaret married in 1359, for the third time, Sir John Drummond of Stobhall. His daughter Annabella was already married to John Stuart, son of Robert II., who afterwards became Robert III. Sir John did not take the title of Menteith. He died in 1360, the year after his marriage. The Lady Mar-

¹ Argyll Inventory.

garet married a fourth husband, Robert Stuart, Duke of Albany and regent of Scotland, third son of Robert II. Lady Margaret was born about 1334, and received five dispensations from the Pope to enable her to enter into her successive matrimonial alliances. Two of these marriages, as will be seen, occurred before she was twenty years of age. By her fourth husband she carried the earldom back to the Stuarts, and by it she was the senior countess of the realm. She died in 1380 at the age of forty-six years.

In an indenture of 30th March 1371 Isobel, Countess Dowager of Fife, recognised the Earl of Menteith as her lawful heir by reason of the entail made by her father in favour of Alan, Earl of Menteith, the grandfather of the Countess Margaret, and because of the entail made by herself and her husband, Walter Stuart, brother of the Earl of Menteith, in favour of the latter. This earl was keeper of the castle of Stirling in 1373, and for some time thereafter.

A meeting of the Scottish parliament at Scone in 1373 ordained that, failing the eldest son of the king and his heirs, the succession to devolve on Robert, Earl of Fife and Menteith. On the accession of his father to the throne (1370) he was created Earl of Menteith. This was the most notable of all the earls who held this earldom; an able and unscrupulous man, who would sacrifice everything for his own aggrandisement. It does not appear that he resided at the family residence of Inchmahome. That place was too much out of the way for a man of his impatient character. He would appear to have resided principally at Doune Castle and Falkland.

On the death of Sir John Lyon of Glamis in 1381 the Earl of Menteith was appointed Lord Chamberlain and guardian of the kingdom, which latter office he

held till his death in 1420, at the age of eighty years.

In 1398 David, Earl of Carrick, son of the king, was created Duke of Rothesay, and the following year he was appointed lieutenant of the kingdom for three years. The conduct of this young nobleman and that of Robert, Earl of Menteith and Duke of Albany, his uncle, has never been clearly understood. For his dissolute conduct Albany, with the consent it is said of the king, arrested Rothesay, put him into the dungeon at Falkland, stopped all supplies of food, and Rothesay died there of starvation. Rothesay was interred in Lindores Abbey, after which an investigation was made into the circumstances, but it resulted in nothing, though Albany for the rest of his life was charged with the murder. Albany then became governor of the kingdom. He was twice married; first to Lady Margaret Graham, and secondly to Muriella, daughter of Sir William Keith, Earl Marischal, and left issue four sons and six daughters, of whom the eldest, Sir Mordac Stuart, only son of the Countess Margaret, succeeded as eleventh earl, and Earl of Fife and Menteith. He married Isobel, daughter of the Earl of Lennox. In 1389, before he succeeded to the earldom, he was appointed Justiciar of Scotland north of the Forth. Afterwards he was captured at the battle of Homildon Hill (1402), when Douglas was defeated by Percy, but was liberated in 1415 in exchange for the Earl of Northumberland and a cash payment of £2000. He was fifty-eight years of age when he succeeded his father as Earl of Menteith and governor of the kingdom. In 1424 he was arrested for high treason on the arrival of James I. from captivity, and his title and estates confiscated. It was one of James's first acts on his arrival in Edinburgh to arrest Sir Walter Stuart, Mordac's



eldest son. In March of the following year, at a meeting of the estates at Perth, James ordered Mordac, his secretary, and his son, Sir Alexander Stuart, to be arrested, and Falkland and Doune Castles seized. On 24th May 1425 these men, including the Earl of Lennox, Mordac's father-in-law, were tried and executed at Stirling for mismanagement of the regency during James's captivity, and presumably because of the murder of James's brother, young Rothesay. Mordac and his sons were tall men, over six feet; Lennox was eighty years of age. There is something to be said on both sides of this question; though Albany and his son were undoubtedly responsible for several years of the king's captivity. The earldom of Menteith, as well as that of Fife, then reverted to the crown, and the former was in 1427 granted by James I. to Malise Graham, who by James was unreasonably deprived of the earldom of Strathearn.

THE GRAHAMS OF MENTEITH

We come now to a different line of earls in the succession, in consequence of the gift of the earldom to Malise Graham, as just stated. The new earldom did not comprise the whole of the ancient possessions. The eastern part, including Doune Castle, was reserved by the crown, and formed the stewardry of Menteith. Malise was the son of Sir Patrick Graham of Kincardine by Egidia, niece of Robert II., and married the Princess Euphemia, daughter of David, Earl Palatine of Strathearn (son of Robert's second marriage). Malise was twice married. He was great-grandson of Robert II., and although he was deprived of the Strathearn earldom for that of Menteith, there is reason to believe that he did not

even get the rents of the Menteith property till 1434, the king having unreasonably kept them in his own hands. Considering that Malise had given himself up as a hostage in security for payment of the king's ransom, he was entitled to more considerate treatment at the hands of the king. And although Malise was thirty years in captivity, it does not appear that the ransom was ever paid. Malise was liberated in 1416, and at once took an active part in public affairs. From that date he attended all the meetings of the Scottish parliament and estates of Scotland. On the same date he obtained a charter, erecting the village of Port Menteith into a burgh of barony. Malise was at the battle of Sauchie in 1488, fought under James III., and along with Lords Erskine and Graham commanded the Stirlingshire regiment on that unfortunate occasion.

In the protocol books of Stirling, under date 23rd October 1476, there is recorded the following charter:—

“Malise Earl of Menteith, sound in mind and body, out of natural affection and considering the manifold services and most tender good deeds done to him in youth and age by his dearest spouse Lady Janet, Countess of Menteith, in the realms of England and Scotland, gave and bestowed to her for her lifetime a silver gilt Corn, gilded on the surface with gold, a dish called le Masar, a silver cup, a Missal Book, with other things suitable for celebrating Mass; nine silver spoons, and a silver salt fat, gilt on the top, having a beryl stone set in the middle, acquired by his own conquest and industry. From him and his heirs to the said Lady Janet, and that by placing a gold ring on her finger.

DAVID,

The Chamberlain of the said Earl.

In the Isle of Inchtalla, the 2nd hour after noon.”

Earl Malise died in 1490, leaving five sons and one daughter. Alexander, Master of Menteith, eldest son, took his father's place as a hostage, and died in captivity in 1471. He married in 1433 Matilda, daughter of Thomas, Lord Erskine. Alexander, son of the Master of Menteith, and second earl under this line, was grandson of Malise, and in 1493 was served heir to his grandfather. He was a member of the king's council which sat at Stirling, 25th August 1495. On 27th May 1501 he, along with other nobles at Perth, entered into a bond with James IV. to do their utmost to suppress crime and bring criminals to justice. For purposes of mutual defence, Earl Alexander with the Earl of Arran and Lord Hamilton entered into an agreement or bond, which was signed at Edinburgh, 20th November 1503. Earl Alexander, who married Margaret, daughter of Walter Buchanan of Buchanan, died in 1536, and left issue two sons, William and Walter, and one daughter. James V. in 1531 granted him a charter for a third part of the lands of Kilbryde, in Menteith. William, his eldest son, became third earl, and married Margaret, daughter of Sir John Mowbray of Barnbogle. This earl died unexpectedly in 1543, being slain in an encounter with the Stuarts of Appin. Passing through Menteith, a party of the Stuarts called at a house where a wedding dinner was preparing for a marriage party, at which William, Earl of Menteith, was to be present. The Stuarts stepped in, ate up the whole repast, and decamped. On the earl arriving with the wedding party, he was so enraged at the affront put upon his clan that he set out in pursuit of the Stuarts. He overtook them, when a bloody engagement ensued, the earl and several of his followers being slain. This earl left issue five sons and one daughter; the latter became the second wife of Archibald, fourth Earl of Argyll. His son John succeeded

him as fourth earl under this line. He married a daughter of George, Lord Seton, was taken prisoner at Solway Moss in 1542, and afterwards ransomed for 300 marks. This earl took an active part in the public affairs of his time. He was present at the convention at Stirling on 3rd June 1544, which transferred the regency from the Earl of Arran to Mary of Guise. He was a Privy Councillor, and was the landlord of Inchmahome when Queen Mary went there in her childhood. In 1550 he accompanied Queen Mary to France, and is recorded to have received a commission as Justiciar over the earldom and stewartry of Menteith from the queen regent, Mary of Guise. In 1558 he joined the Lords of the Congregation. In 1559, when the Earls of Argyll, Glencairn, and the Lord James quarrelled with the queen regent because she had violated her agreement with them, her court was deserted by those nobles and by John Graham, Earl of Menteith, Lord Ruthven, and Moray of Tullibardine. In April 1560 the army of the Congregation opposed the queen regent and joined the English troops at Preston. The Scottish troops were commanded by Lord Hamilton, Argyll, Glencairn, Menteith, and the Lord James. This earl died shortly after. He was twice married, and left two sons and two daughters. William, his son, succeeded in his minority as fifth earl. The estates remained with the crown until his coming of age in 1571. He married Margaret, daughter of Sir James Douglas of Drumlanrig, widow of Edward, Lord Crichton. He was one of the commissioners of parliament who received the forged abdication of Queen Mary in 1567 at Lochleven, the deed that was forced from her by Lindsay of the Byers. The earl shortly after attended the coronation of James at Stirling Castle. He was a Privy Councillor, very active in the troubles of that period, though

keeping himself free from anything like treason or the commission of crime. At the battle of Langside he fought under the Regent Moray, and died in 1577 prematurely, leaving two sons. His eldest son John, a boy of seven years of age, succeeded as sixth earl. There is little known of these two earls. The earldom again reverted to the crown during this earl's minority. He was in 1587 served heir, and entered into possession. His wife was Mary, daughter of Sir Colin Campbell of Glenorchy. Earl John resided at Kilbryde Castle, near Dunblane, and died about 1598, leaving one son and one daughter. His son William succeeded as seventh earl, and was served heir in 1610. He married Agnes, daughter of Patrick, Lord Gray.

Earl William was an able, energetic, and ambitious man. In 1628 his abilities attracted the notice of Charles I., by whom he was appointed Lord Chief-Justice, President of the Council, and Justice-General for Scotland. He warmly supported Charles I., and rose to be the most influential man in Scotland. Letters from the king to him are published in the "Red Book of Menteith," and indicate the state of the country at that turbulent period, as well as the feelings of the king towards him. In 1630 he was served heir of entail to David, Earl of Strathearn, son of Robert II., and was then styled Earl of Strathearn and Menteith, but renounced any right he might have to the crown. Legal proceedings evidently took place about this matter, and these would appear to have so alarmed Charles that he insisted in a reduction of the service, which was set aside on the false pretext that David, Earl of Strathearn, died without issue. This earl purchased the patronage of the church at Aberfoyle from the Bishop of Dunblane and in 1621 presented a minister to that parish. The bishop, in retiring, said: "That

dissolute congregation of Aberfoyle presently hath great necessity for a pastor, where never in any man's memory living was there a resident minister to preach the word of God or minister His Holy Sacraments. Wherefore the most part of the parishioners remain in great blindness and ignorance." The same year the earl was made Justiciar within the bounds of the earldom, and attended his first parliament. He sat in the parliaments of 1631 and 1632, as Earl of Strathearn. In 1631 he obtained a grant of the barony of Drummond, proceeding on the resignation of John, Earl of Perth, to him and Lady Agnes Gray, Countess of Strathearn and Menteith, his wife, and the survivors of them. Earl William lived to see the Restoration of Charles II. He was resident at Inch-talla, on the Lake of Menteith, where he spent the latter part of his life.

He was divested of the title of Strathearn by a cabal in the reign of Charles II., but instead of reverting to his former title of Menteith, the name of that dignity was merged in the new creation of Airth. The haughty character of this earl proved the danger to which he must have considered himself exposed when he consented to such indignity, and he was undoubtedly suspicious that still greater degradation awaited him had he hesitated, much less refused. The mortification of losing the royal title Strathearn, and exchanging it and the ancient designation of Menteith for one entirely unknown in history, must have been severe. It is remarkable that his ancestor Malise, Earl of Strathearn, should have been stripped of this same title and compelled to accept the earldom of Menteith, to satisfy the rapacity of James I., and that the title of Strathearn should have been recovered by his descendants and again have been taken away, and that of Menteith for the first time found a place in the peerage.

On 9th October 1633 Earl William was deprived of his estates, his offices of President of the Council and Lord Chief-Justice, and his pension of £500 from the Exchequer, on an application by George, Earl of Kinnoull, the Lord Chamberlain, and condemned to be confined in his own house till 1637, because of his treasonable speeches in the earldom of Strathearn proceedings. He denied the charge, but a special commission appointed by the king found it proven. He died in 1661 bereft of all his means, leaving issue one son and three daughters. His only son and heir, John Graham, Lord Kilpont, married in 1632 Lady Mary Keith, daughter of the Earl Marischal, and was in 1644 killed in a duel at Collace, near Perth, in Montrose's camp, by Stewart of Ardvoirlich, in his father's lifetime. This is the nobleman whose exploits occupy a prominent place in the "Legend of Montrose." His son, William Graham, succeeded as eighth and last earl, and second Earl of Airth, in 1670. He was twice married, first to Ann Hughes, whom he divorced in 1684, but before the proceedings were terminated he married Katherine Bruce, daughter of Thomas Bruce of Blairhall, a lady who lived only for a short period, and died in 1692. The following is the ratification in favour of William, last Earl of Menteith, of a decret of divorce against Anna, Countess of Menteith¹:—

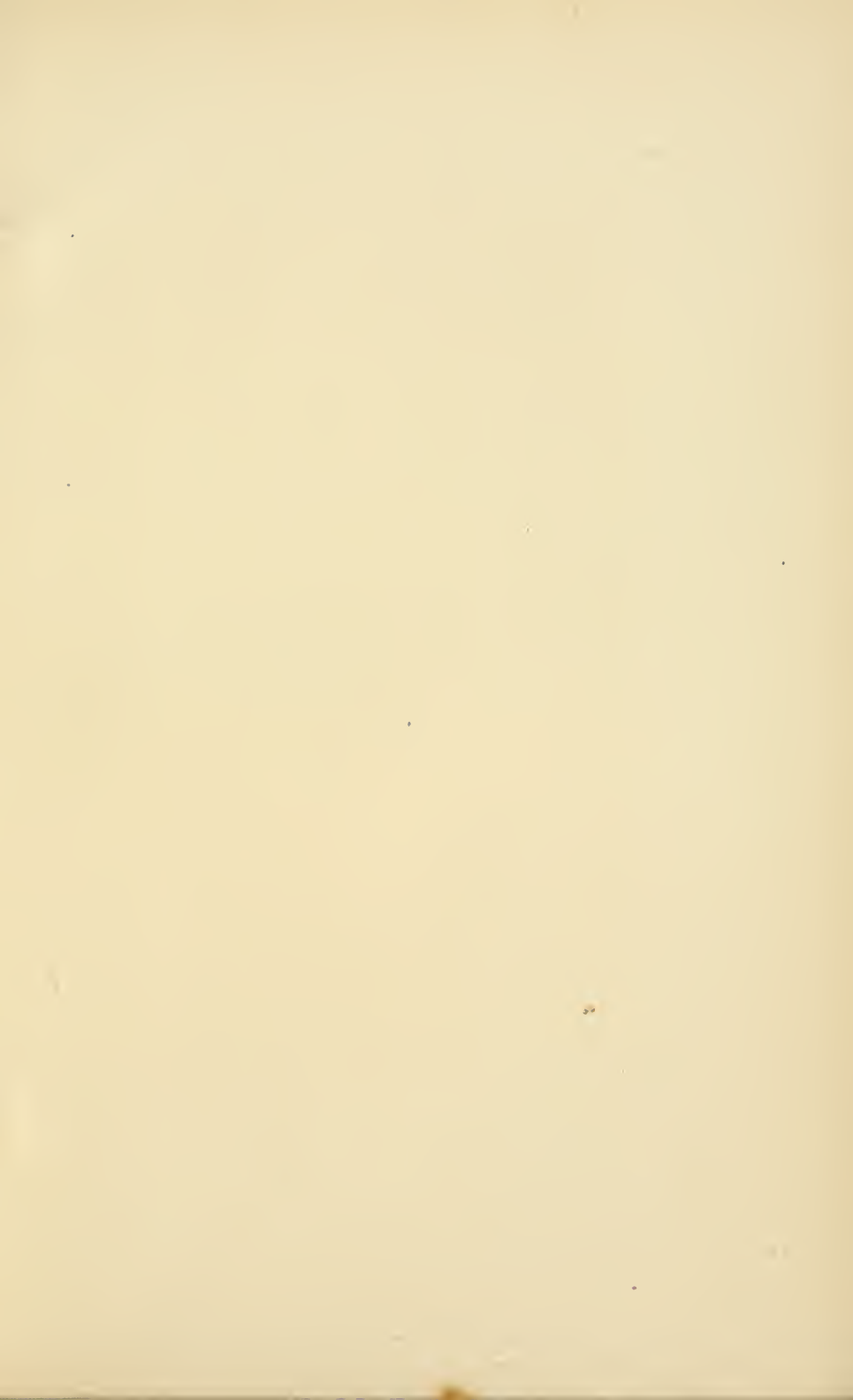
"Having considered the decret of divorce at the instance of William, Earl of Menteith, against Anna, Countess of Menteith, and having considered the decret in favour of the said Earl of Menteith in the process of bigamy and adultery raised by the Countess Anna, and his majesty's Advocate, and by Robert Ross of Achloskine, as informer, before the

¹ Acts of the Scot. Par., James VII., 1685.

Lords of Justiciary on 30 March 1685, absolving the Earl and declaring that no new letters should be raised against him for the said crimes; ratifies, confirms, and approves, the said decreet of divorce before the commissioners in favour of the Earl against the Countess Anna; ordains the decreet to have full force, strength, and effect, in all time coming; and no further action to be allowed at the instance of the above named persons against the said Earl for the aforesaid crimes in all time coming."

This earl remained all his life hard-up, and his estates being mortgaged by his predecessors he found great difficulty in meeting his obligations. According to MacGregor Stirling he had to escape from his creditors to the sanctuary at Holyrood, but was eventually relieved by his kinsman, Malise Graham, a neighbouring proprietor. He made a conveyance of his whole estates in favour of James Graham, Marquis of Montrose, and the estates went to the marquis accordingly. The earl died in 1694, without issue, when the earldom became extinct. His sister married Sir John Allardyce, and his second sister married Sir William Graham, ancestor of the Grahams of Gartmore.

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